

TEXAS REGISTER

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Artist: Cheryse Hawley

10th Grade

Clear Creek High School, Clear Creek ISD

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THE GOVERNOR

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1828.

Appointments Made February 19, 1997

To be member of the *Texas Board of Pardons and Paroles* for term to expire February 1, 2003:

Lynn F. Brown, 2240 Woodcreek Drive, Carrollton, Texas 75006-1925, (replacing Irma Cauley) of Huntsville whose term expired).

Juanita Maria Gonzalez, 1704 Pecos Valley Cove, Round Rock, Texas 78664, (replacing donna Gilbert of Huntsville whose term expired).

Alvin A. Shaw, 3301 Lynridge Drive, Austin, Texas 78723, (replacing Dr. Mae Jackson of Gatesville whose term expired).

Charles A. Shipman, 1106 Sunset Lane, Wichita Falls, Texas 76305-2305, (replacing Winona Miles of Gatesville whose term expired).

Rissie L. Owens, P.O. Box 6875, Huntsville, Texas 77340, (replacing Gilbert Rodriguez of Abilene whose term expired).

Sandie Walker, 2909 Braeburn, Bryan, Texas 77802, (replacing Alberto Sanchez of Huntsville whose term expired).

To be members of the *Motor Vehicle Board of the Texas Department of Transportation* for terms to expire January 31, 2003:

Robert (Bob) C. Barnes, 2901 Bainridge, Odessa, Texas 79762, (reappointment).

D. Diane Dillard, 2232 Stanmore, Houston, Texas 77019, (replacing Robyn Ray Brumbelow of Longview whose term expired).

To be members of the *Texas Aerospace Commission* for terms to expire February 1, 2003:

R. Walter Cunningham, 5110 San Felipe, #162W, Houston, Texas 77056, (reappointed).

Bryon D. Sehlke, 1703 Summit View, A., Austin, Texas 78703, (reappointed).

Norma H. Webb, 1703 Douglas, Midland, Texas 79701, (reappointed).

Appointments Made February 24, 1997

To be members of the *Texas Woman's University Board of Regents* for term to expire February 1, 2003:

Marie Chapman March, 4478 Lakeview Drive, Belton, Texas 76513-5106, (replacing Darlene Medrano of Harlingen whose term expired).

Cynthia Shepard Perry, Ed.D, 3602 South MacGregor, Houston, Texas 77021, (replacing Diana Marshall of Houston whose term expired).

Perry N. Bolin, 2704 St. Charles, Plano, Texas 75074, (replacing Jayne Lipe of Fort Worth whose term expired).

To be members of the *Texas Board of Criminal Justice* for terms to expire February 1, 2003:

Patricia A. Day, 6162 Preston Haven, Dallas, Texas 75230, (replacing Ellen Halbert of Austin whose term expired).

Alfred C. Moran, 2612 Lora King Court, Arlington, Texas 76006, (replacing R. H. Duncan of Lufkin whose term expired).

Alfred M. "Mac" Stringfellow, 309 East Hermosa, San Antonio, Texas 78212, (replacing Joshua W. Allen, Sr. of Beaumont whose term expired).

To be a member of the *State Board of Nurse Examiners* for a term to expire January 31, 1999: Marcelo Laijas, Jr., 209 Southwood Oaks Drive, Floresville, Texas 78114. Mr. Liajas will be filling the unexpired term of Robert J. Provan of Austin who resigned.

To be a member of the *Executive Council of Physical Therapy and Occupational Therapy Examiners* for a term to expire February 1, 1999:

Appointments Made February 25, 1997

Martha Rodriquez, 9117 Bridlewood, #51-4, San Antonio, Texas 78240. Mr. Rodriquez is being reappointed.

To be members of the *Texas Board of Health* for term to expire February 1, 2003:

Mario R. Anzaldua, M.D., 408 Trinity, Mission, Texas 78572, (replacing Dr. Ramiro R. Casso of McAllen whose term expired).

Kent M. Adams, 104 West Caldwell Drive, Beaumont, Texas 77707, (replacing Betsy Triplett-Hurt of Odessa whose term expired).

To be members of the *Texas Board of Human Services* for terms to expire January 20, 2003:

Elizabeth Darling Seale, 4 Bishops Green, San Antonio, Texas 78257, (replacing Robert Geyer of El Paso whose term expired).

Bill Jones, 2324 McClendon, Houston, Texas 77030 (replacing Yava Scott of Houston whose term expired).

TRD-9702980

Appointments Made March 3, 1997

To be members of the *Board of Tax Professional Examiners* for terms to expire March 1, 2003:

Foy Mitchell, Jr., 3621 Pennsylvania, Plano, Texas 75075, (replacing Ciro Treveino of Edinburg whose term expired).

Linda D. Jaynes, 110 Santa Rosa Circle, Plainview, Texas 79072, (reappointment).

To be members of the *Texas Guaranteed Student Loan Corporation Board of Directors* for term to expire January 31, 2003:

Ruben E. Esquivel, 1217 Hanna Circle, DeSoto, Texas 75115-3105, (replacing Teofilo J. Chahin of San Marcos whose term expired).

W. Bruce Robinson, 2028 Glenwood Circle Corsicana, Texas 75110, (replacing Barbara Reagan of Dallas whose term expired).

To be members of the *Real Estate Research Advisory Committee*:

Term expires January 31, 2001:

Angela S. Myres, 5118 Toho Drive, Houston, Texas 77032 (filling unexpired term of Melissa Cigarroa of Laredo who resigned).

Term expire January 31, 2003:

Joe Adame, 1818 Graham Road, Corpus Christi, Texas 78418, (replacing Conrad Bering, Jr. of Houston whose term expired).

Catherine Miller, 1800 Holly Oak, Arlington, Texas 76012, (replacing Dr. Donald S. Longworth of Lubbock whose term expired).

Jerry L. Schaffner, 8606 Toledo, Lubbock, Texas 79424, (replacing Michael Beal of Bryan whose term expired).

To be members of the *Produce Recovery Fund Board* for terms to expire January 31, 2003:

Joyce Cook Obst, 1543 North FM 907, Alamo, Texas 78516, (reappointment).

Ly H. Nguyen, 110 Banyan Drive, Lake Jackson, Texas 77566, (replacing Carmen Jacques of El Paso whose term expired).

Please be advised that I am reappointing John C. Kerr of San Antonio as chairman of the *Texas Public Finance Authority* for term to expire March 1, 1999.

TRD-9702991

Appointments Made April 8, 1997

To be a member of the *Texas State University System Board of Regents* for term to expire February 1, 2003:

John Philip Hageman, 1906 Shadowbrook, Round Rock, Texas 78681, (replacing William L. Cunningham of San Marcos whose term expired).

Nancy R. Neal, 4612 21st Street, Lubbock, Texas 79407 (replacing Becky R. Espino of Fort Stockton whose term expired).

Floyd Nickerson, 2202 Gathright Drive, Abilene, Texas 79606, (replacing Jane Monday of Huntsville whose term expired).

To be a member of the *Texas Guaranteed Student Loan Fund Board* for a term expired January 31, 2003:

Appointment Made April 10, 1997

Alfred Jackson, 8210 Frontaneac, Houston, Texas 77071. Mr. Jackson will be replacing Sharon Michael of Houston whose term expired.

To be a member of the *Texas Guaranteed Student Loan Fund Board* for a term to expire January 31, 1999: Jorja L. Kimball, Route 2, Box 380-R, Kingsville, Texas. Ms. Kimball will be replacing Don E. Cosby of Lubbock who resigned.

To be a member of the Texas Woman's University Board of Regents for term to expire February 1, 2003:

Appointment Made April 11, 1997

Douglas Bert Myers, 3629 Seltzer, Plano, Texas 75023. Mr. Myers will be replacing Jayne Lipe of Fort Worth whose term expired.

Appointment Made April 14, 1997

To be a member of the *Brazos River Authority Board of Directors* for a term to expire February 1, 2003: Mary E. Ainslie, 835 Harbour Place, Sugar Land, Texas 77478. Ms. Ainslie will be replacing Ada G. Connor of Mexia whose term expired.

Appointments Made April 15, 1997

To be members of the *Texas Commission on Law Enforcement Officer Standards and Education*:

For a term to expire August 30, 1997

Benigno Guadalupe Reyna, 1651 E. Grant, Brownsville, Texas 78521, (replacing Sheriff Carl R. Griffith, Jr. who resigned)

For a term to expire August 30, 1999

Joe A. Stivers, 167 Westridge Drive, Huntsville, Texas 77340, (replacing Louis T. Getterman, III whose term expired).

Appointments Made April 21, 1997

To be a member of the *Texas Diabetes Council* for a term to expire February 1, 2001: Thomas R. McCann, 2727 N. Jefferson Avenue, Mt. Pleasant, Texas 75455. Mr. McCann will be replacing Glenda Shelton of Austin whose term expired.

To be a member of the *Texas Municipal Retirement System Board of Trustees* for a terms to expire February 1, 2003:

Victoria Lee Harper LaFollett, Number 8 Bramlette Place, Longview, Texas 75601, (replacing Charles E. Wilson of Waco whose term expired).

Charles E. Windwehen, 506 Colony Creek Drive, Victoria, Texas 77904, (replacing Andres Vega, Jr., of Brownsville whose term expired).

To be members of the *Texas Commission on Alcohol and Drug Abuse* for terms to expire February 1, 1999, or as modified by legislation of the Seventy-Fifth Legislature:

Beverly Barron, 3203 East 31st Street, Odessa, Texas 79762, (replacing Stephanie Haynes of Alpine who resigned).

Rolland Craten "R.C." Allen, 310 Cape Aron, Corpus Christi, Texas 78412, (replacing Gene Shull of Tyler whose term expired).

To be members of the *Texas State Board of Examiners of Professional Counselors* for terms to expire February 1, 2003:

J. Lee Jagers, Ph.D., 2213 Windsor Road, Richardson, Texas 75082, (replacing Karen Barlow of Fort Worth whose term expired).

Mary L. Madison, 1006 North Charlotte Avenue, Stephenville, Texas 76401, (replacing Dr. Burtram Butler of Galveston whose term expired).

Susan Moore, Ph.D., 16209 Avenida Del Luna, San Antonio, Texas 78232, (replacing Dr. James Mathis of Huntsville whose term expired).

To be members of the *State Pension Review Board* for terms to expire January 31, 2003:

Craig S. Goralski, Sr., 15915 Ivy Bridge Lane, Houston, Texas 77095, (replacing Larry Eddington of Dallas who resigned).

William Mahomes, Jr., 5111 Sea Pines Drive, Dallas, Texas 75201, (replacing Gilbert Vargas of San Antonio whose term expired).

Frederick E. Rowe, Jr., 3616 Greenbrier, Dallas, Texas 75225, (replacing Hugh L. Stevens of Irving whose term expired).

Shari Ovalline Shivers, 4704 Eby Lane, Austin, Texas 78731, (replacing Cheryl Dotson of Houston whose term expired).

Herbert R. Brown, 605 South Church Street, Dayton, Texas 77535. Mr. Brown is replacing Gary Louie of Oak Ridge North whose term expired.

To be members of the *Governor's Committee on People with Disabilities* for term to expire February 1, 1999:

Mary Ann Board, 1333 Moursund, Houston, Texas 77030, (reappointed).

Larry Chevallier, 250 County Road, #4134D, Henderson, Texas 75652, (reappointed).

Victoria Christman, Dallas, ISD, 3700 Ross Avenue, Dallas, Texas 75204-5491, (reappointed).

Thomas P. Justis, Lockheed Fort Worth Company, P.O. Box 748, Fort Worth, Texas 76101, (reappointed).

Debbie H. Morrill, Texas Special Olympics, 11442, IH-35 North, Austin, Texas 78753, (reappointed).

James G. Olson, 6001 Gulf Freeway, #C-4, Houston, Texas 77023, (reappointed).

To be members of the *Texas Appraiser Licensing and Certification Board* for terms to expire January 31, 1999:

Appointments Made April 22, 1997

To be a member of the *Texas Transportation Commission* for a term to expire February 1, 2003:

Robert Lee Nichols, 1555 Canada, Jacksonville, Texas 75766. Mr. Nichols will be replacing David Bernsen of Beaumont whose term expired.

To be a member of the *Texas Department of Housing and Community Affairs* for a term to expire January 31, 2003:

James Amador Daross, 4809 Costa De Oro Road, El Paso, Texas 79922. Mr. Daross will be replacing Walter Martinez of San Antonio whose term expired.

To be a member of the *Houston Galveston Regional Review Committee (Region 16)* for a term to expire February 1, 1999:

Appointment Made April 23, 1997

Leonel Garza, Jr., Rural Route 7, Box 552, McAllen, Texas 78504, (Reappointment).

Eduardo A. Lopez, 5418 Fox Run, Corpus Christi, Texas 78413, (replacing Cecil W. Wimberly of Meridian whose term expired).

Robert A. "Pete" Seale, Jr., 3435 Westheimer, #1606, Houston, Texas, (replacing Vidal Gonzalez of Del Rio whose term expired).

James Melvin Synatzske, P.O. Box 1663, Stephenville, Texas 76401, (replacing A. E. "Butch" Nelson, Jr., Abilene whose term expired).

Appointments Made April 24, 1997

To be members of the *Texas State Board of Public Accountancy* for terms to expire January 31, 2003:

Gwen B. Gilbert, 4426 Emerson, Dallas, Texas 75205, (replacing Vernon Evans of Fort Worth whose term expired).

Rebecca Beard Junker, 2003 Plantation Drive, Richmond, Texas 77469, (replacing Carmen Garcia of San Antonio whose term expired).

Reagan S. McCoy, 14103 Bluff Manor, San Antonio, Texas 78216, (replacing Judy Lee of Houston whose term expired).

Barbara J. Thomas, 11107 Lark Brook Lane, Houston, Texas 77065-3315, (replacing Cynthia Barnes of Houston whose term expired).

TRD-9705703

PROPOSED RULES

Before an agency may permanently adopt a new or amended section or repeal an existing section, a proposal detailing the action must be published in the *Texas Register* at least 30 days before action is taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the section. Also, in the case of substantive action, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

Symbology in proposed amendments. New language added to an existing section is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a section.

TITLE 22. EXAMINING BOARDS

Part VI. Texas State Board of Registration for Professional Engineers

Chapter 131. Practice and Procedure

Application for Registration

22 TAC §131.56

The Texas State Board of Registration for Professional Engineers proposes an amendment to §131.56, concerning certification of qualification. The section is amended to stipulate that the National Council of Examiners for Engineering and Surveying's certification of an applicant's educational qualifications, experience, and references will not be accepted in lieu of the board's required application information because the documentation contained in the verification is incomplete and out of date.

John R. Speed, P.E., Executive Director, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Speed also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be clarification that applicants must submit current and correct documentation to support an application for licensure as a professional engineer in Texas to protect the health, safety and welfare of the public. There will be no effect on small businesses. There is no anticipated economic costs to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to John R. Speed, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin, Texas 78760.

The amendment is proposed under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to

make and enforce all rules and regulations necessary for the performance of its duties.

Texas Civil Statutes, Article 3271a, §12 and §21 are affected by this proposed amendment.

§131.56. Certification of Qualification.

The [If a properly executed] National Council of Examiners for Engineering and Surveying certification **will not be accepted in lieu of the board's required application information.** [of an applicant's qualifications for registration is provided, it will be accepted as verification of the applicant's educational qualifications, experience, references and registration in other states. The board may require the submission of additional information concerning experience and references for clarification or to meet other requirements. In such instance, transcripts to verify educational requirements and verification of registration in other states by use of board forms will not be required. This certification will not be accepted in lieu of any other required application information.]

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on May 6, 1997.

TRD-9706045

John R. Speed, P.E.

Executive Director

Texas State Board of Registration for Professional Engineers

Proposed date of adoption: June 18, 1997

For further information, please call: (512) 440-7723

◆ ◆ ◆

Registration

22 TAC §131.137

The Texas State Board of Registration for Professional Engineers proposes an amendment to §131.137, concerning disciplinary actions. Paragraph (6) of Subsection (a) delegates the board's signature authority to the executive director when disci-

plinary action is taken against a licensed engineer for a violation of the Texas Engineering Practice Act and board rules.

John R. Speed, P.E., Executive Director, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Speed also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be clarification that the executive director has the authorization to sign sanctions on behalf of the board. There will be no effect on small businesses. There is no anticipated economic costs to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to John R. Speed, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin, Texas 78760.

The amendment is proposed under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

Texas Civil Statutes, Article 3271a, §8 and §22 are affected by this proposed amendment.

§131.137. Disciplinary Actions.

(a) Under the authority and provisions of the Texas Engineering Practice Act, §8 and §22, the board must take disciplinary action against a registrant who is found censurable for a violation of the law, rules, or conduct. In such case, the board may:

(1)-(3) (No change.)

(4) refuse to renew a registration; [or]

(5) issue a formal or informal reprimand. A formal reprimand will take the form of a board order while an informal reprimand may be no less than an oral or written admonishment from the board. All actions of the board are properly recorded and available upon request as public information. In addition, all actions enumerated in this subsection, except an informal reprimand, will be published in the board newsletter and transmitted to the National Council of Examiners for Engineering and Surveying ; **and**[.]

(6) delegate signature authority to the executive director for any action taken under this subsection.

(b)-(h) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on May 6, 1997.

TRD-9706046

John R. Speed, P.E.

Executive Director

Texas State Board of Registration for Professional Engineers

Proposed date of adoption: June 18, 1997

For further information, please call: (512) 440-7723

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ADOPTED RULES

An agency may take final action on a section 30 days after a proposal has been published in the ***Texas Register***. The section becomes effective 20 days after the agency files the correct document with the ***Texas Register***, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

If an agency adopts the section without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the section with changes to the proposed text, the proposal will be republished with the changes.

TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

Chapter 12. Proprietary Schools

Subchapter B. Basic Standards

19 TAC §12.52

The Texas Higher Education Coordinating Board adopts an amendment to §12.52, concerning Texas Academic Skills Program (TASP) without changes to the proposed text as published in the February 25, 1997, issue of the *Texas Register* (22 TexReg 1931).

No comments were received concerning the adopted amendment.

The amendment is adopted under Texas Education Code, §132.063 which provides the Texas Higher Education Coordinating Board with the authority to adopt rules concerning Texas Academic Skills Program (TASP).

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on May 6, 1997.

TRD-9706017

James McWhorter

Assistant Commissioner for Administration

Texas Higher Education Coordinating Board

Effective date: May 27, 1997

Proposal publication date: February 25, 1997

For further information, please call: (512) 483-6160



Subchapter C. Hinson-Hazlewood College Student Loan Program for All Loan Program for All Loans which are Subject to the Provisions of the Federal Family Education Loan Program, the College Access Loan Program, the Health Education Assis-

tance Loan Program, and the Health Education Loan Program

19 TAC §21.56

The Texas Higher Education Coordinating Board adopts an amendment to §21.56, concerning Qualifications for Loans without changes to the proposed text as published in the February 25, 1997, issue of the *Texas Register* (22 TexReg 1934).

No comments were received concerning the adopted amendment.

The amendment is adopted under Texas Education Code, §52.54 which provides the Texas Higher Education Coordinating Board with the authority to adopt rules concerning Qualifications for Loans.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on May 6, 1997.

TRD-9706018

James McWhorter

Assistant Commissioner for Administration

Texas Higher Education Coordinating Board

Effective date: May 27, 1997

Proposal publication date: February 25, 1997

For further information, please call: (512) 483-6160



Subchapter GG. Fifth Year Accounting Student Scholarship Program

19 TAC §§21.1033, 21.1035, 21.1036, 21.1039, 21.1040, 21.1042

The Texas Higher Education Coordinating Board adopts amendments to §§21.1033, 21.1035, 21.1036, 21.1039, 21.1040, and 21.1042, concerning the Fifth-Year Accounting Student Scholarship Program without changes to the proposed text as published in the February 25, 1997, issue of the *Texas Register* (22 TexReg 1935).

No comments were received concerning the adopted amendments.

The amendments to the rules are proposed under Texas Education Code, §61.751 which provides the Texas Higher Education Coordinating Board with the authority to adopt rules concerning Fifth-Year Accounting Student Scholarship Program.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on May 6, 1997.

TRD-9706019

James McWhorter

Assistant Commissioner for Administration

Texas Higher Education Coordinating Board

Effective date: May 27, 1997

Proposal publication date: February 25, 1997

For further information, please call: (512) 483-6160



Chapter 25. Optional Retirement Program

Subchapter A. Optional Retirement Program

19 TAC §§25.1, 25.2, 25.3

The Texas Higher Education Coordinating Board adopts amendments to §§25.1, 25.2, and 25.3, concerning Retirement Annuity Programs with changes to the proposed text as published in the February 25, 1997, issue of the *Texas Register* (22 TexReg 1936).

Comments were received from Texas A&M University System, Southwest Texas State University, and El Paso Community College. Texas A&M commented that the wording of the grandfathering provision in 25.2(d)(2) was confusing. The agency agrees and modified the language in the adopted rule. Texas A&M also suggested including in the definition of ORP retiree all those who meet the eligibility requirements in the insurance statute rather than just those who actually enroll in retiree health insurance. Because of the restriction on further contributions, the agency believes that the definition should only include those individuals who voluntarily establish retiree status by enrolling in retiree health insurance.

Southwest Texas State University (SWT) commented that, although the current program at SWT is already consistent with the new rule, the restriction on further contributions for ORP retirees might inhibit faculty members' use of the modified retirement program. The agency agrees that this change might affect the decision of certain faculty members who choose to work full-time at another university after entering the SWT modified retirement program, but believes the new rule is justified because: (1) the current confusing and inconsistent treatment of ORP retirees who return to work warrants a uniform definition, and (2) individuals who establish retiree status to enjoy the advantages of a modified retirement program and to enroll in the valuable retiree health insurance plan should not be treated as active employees if they return to work.

El Paso Community College commented that enrollment in retiree health insurance should not be used as the determining factor to establish ORP retirement because enrollment is not considered a voluntary action. This is based on the early age

of initial eligibility (55 years old) and the Evidence of Insurability (EOI) requirement that is applied if an individual fails to enroll within the first 30 days of eligibility. The college believes that former employees feel compelled to enroll upon initial eligibility even if they plan to return to active employment at a later date. The agency believes that enrollment in ORP retiree insurance should be the determining factor. Individuals who are not actually retiring from Texas public higher education are not required to enroll in retiree insurance upon initial eligibility because they will be eligible for active insurance upon returning to work, and when they later terminate, a 30-day eligibility period for retiree insurance will be offered again. El Paso also commented that community colleges which are not covered by Social Security will have to use local funds to replace lost state funds because they are required by federal law to provide an alternate plan for employees who are not contributing to a retirement plan (e.g., part-time employees). The agency agrees, but believes that: (1) some ORP retirees will meet the federal definition of retiree and will be exempt; (2) most retirees who return to work do so at half-time or less and, therefore, were not receiving state contributions; and (3) contribution rates to the alternate plans are often less than the ORP rate, so the replacement cost for the affected ORP retirees should be less than the actual loss.

The amendments are adopted under Texas Government Code, §830.101(b) which provides the Texas Higher Education Coordinating Board with the authority to adopt rules concerning Retirement Annuity Programs.

§25.1. Purpose.

It is the purpose of these rules to carry out the Coordinating Board's responsibilities pursuant to Texas Government Code, Chapter 830, to establish eligibility for the Texas Optional Retirement Program.

§25.2. ORP Eligibility Standards.

(a)-(c) (No change.)

(d) An ORP retiree is defined as an individual who participated in the Optional Retirement Program while employed in a public institution of higher education in Texas and who established retiree status by enrolling in retiree health insurance provided by the Employees Retirement System, the University of Texas System, or the Texas A&M University System, regardless of whether currently enrolled.

(1) ORP retirees as defined in this subsection who later return to employment in Texas public institutions of higher education are not eligible to have further ORP contributions made to their ORP account.

(2) ORP retirees as defined in this subsection who enrolled in retiree health insurance on or before June 1, 1997 are exempt from paragraph (1) of this subsection.

§25.3. ORP Standards.

(a)-(j) (No change.)

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on May 6, 1997.

TRD-9706020

James McWhorter
Assistant Commissioner for Administration
Texas Higher Education Coordinating Board
Effective date: May 27, 1997
Proposal publication date: February 25, 1997
For further information, please call: (512) 483-6160

◆ ◆ ◆
19 TAC §§25.4-25.11

The Texas Higher Education Coordinating Board adopts the repeals of §§25.4-25.11, concerning Retirement Annuity Programs without changes to the proposed text as published in the February 25, 1997, issue of the *Texas Register* (22 TexReg 1936).

Comments were received from Texas A&M University System and Southwest Texas State University expressing concern that changing the format from rules to procedures might result in program inconsistencies. The agency anticipates that institutions, in an effort to help ensure uniformity, would not make any major deviations from the procedures. Toward that end, future adjustments to the procedures will be accomplished with input from the institutions. Additionally, several items in the deleted rules are reiterations of law in the ORP statute or Attorney General's Opinions and are not affected by this change. The amendment is based on a legal interpretation of the Board's rule-making authority and is not intended to change the way the program operates.

The repeals are adopted under Texas Government Code, §830.101(b) which provides the Texas Higher Education Coordinating Board with the authority to adopt rules concerning Retirement Annuity Programs.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on May 6, 1997.

TRD-9706016
James McWhorter
Assistant Commissioner for Administration
Texas Higher Education Coordinating Board
Effective date: May 27, 1997
Proposal publication date: February 25, 1997
For further information, please call: (512) 483-6160

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TITLE 30. ENVIRONMENTAL QUALITY

Part I. Texas Natural Resource Conservation Commission

Chapter 297. Water Rights, Substantive

Subchapter E. Issuance and Conditions of Water Rights or Certificate of Adjudication

30 TAC §297.57

The Texas Natural Resource Conservation Commission (commission) adopts new §297.57, Subchapter E, relating to Emergency Suspension of Permit Conditions, with changes to the proposed text as published in the November 8, 1996, issue of the *Texas Register* (21 TexReg 10959).

EXPLANATION OF ADOPTED RULE

The purpose of the rule is to set forth the procedures and criteria to be used by the commission in its review and action on a petition by a water right holder for the temporary suspension of conditions in the water right relating to beneficial inflows to bays and estuaries and instream uses during an "emergency" if there are no "practicable, feasible alternatives" to the suspension, pursuant to Texas Water Code, §11.148.

New §297.57 includes the purpose for which a petition may be submitted and describes an emergency condition supporting the submission of a petition. It also establishes minimum requirements for the contents of the petition and provides that the petition must be filed with the Texas Parks and Wildlife Department at the same time it is filed with the commission.

Also, the rule requires the commission to conduct a hearing within 15 days of the date on which the order to suspend a permit condition is issued to determine if the suspension should be affirmed, modified, or set aside. If a continuation is granted, the maximum time period would be for 120 days, with a provision for a one-time 60-day extension if the commission determines emergency conditions triggering the initial suspension continue to exist.

Additionally, the new rule provides that if the water right holder has a water conservation plan and/or drought contingency plan, the suspension of permit conditions may be contingent upon the full implementation of such plans and measures corresponding to the staged reduction of releases for existing instream uses and beneficial inflows to the bays and estuaries.

The rule includes provisions for the passage of existing instream flows up to that amount necessary to maintain water quality standards for the affected stream segment.

Finally, the new rule provides that if a water right already contains provisions for the suspension or partial suspension of permit conditions for the maintenance of instream flows or freshwater inflows to the bays and estuaries, further or different relief requested in the petition may be denied unless the petitioner can show significantly changed circumstances or an emergency condition not contemplated when the water right condition was issued.

COMMENTERS

Written comments on the proposed rule were submitted by the Public Interest Counsel (PIC) of the commission and the Lone Star Chapter of the Sierra Club (Sierra Club) represented by the law office of Henry, Lowerre, Johnson, Hess & Frederick. Both sets of comments addressed specific sections of the proposed rule and neither entity spoke in opposition to the rule.

The PIC suggested the rule should further clarify emergency conditions warranting relief and measures to be taken by the petitioner to address the emergency. Additionally, the PIC suggested an emergency should be limited to situations where human health and domestic animals are at peril.

The commission agrees emergency conditions exist when there is imminent peril to human health, safety, and welfare and has revised this subsection accordingly.

The PIC recommended changes to §297.57(c) which would provide additional information requirements for the initial petition. Since the commission may initially consider the petition without a hearing, the PIC commented that the petition should be clearly required to provide the commission with sufficient data and information to make its decision.

Appropriate changes to the rule have been made to reflect the PIC's concerns.

The PIC suggested §297.57(e) be modified to allow for submission of comments by the Texas Parks and Wildlife Department, PIC, and the executive director of the commission, on the initial petition, along with a provision providing for petitioner response to the comments at the commission agenda.

The commission agrees with this comment and has modified this subsection accordingly.

The PIC recommended a sentence clarifying "affected area" to mean that area downstream of the affected water right and corresponding petitioner notice requirements be added to §297.57(f).

The commission agrees with this recommendation and has added the proposed changes.

The PIC suggested §297.57(g) should be modified to make it clear the hearing required by the statute will afford affected persons the opportunity to be heard.

The commission has amended the rules by adding new subsection (g) to provide that hearings shall be conducted in accordance with the Texas Government Code, Chapter 2001 and applicable rules of the commission.

The PIC recommended §297.57(h) be amended to include guidance for the commission when considering evidence submitted in support of the request for suspension. Since the request may constitute extraordinary relief from permit conditions, according to the PIC, the petitioner must prove by "competent evidence" the suspension is indeed necessary to protect human health, safety, and welfare.

The commission agrees that sufficient information and evidence must be submitted to support the petition and has incorporated these suggestions in the rules with the inclusion of the reference to contested case proceedings under Chapter 2001, Texas Government Code, in new subsection (g) and the additional petition content requirements provided in subsection (c).

The PIC suggested §297.57(i) should be worded to prohibit any suspension which would have the effect of impairing of water quality or result in conditions that would fail to protect significant floral or faunal species.

The section as proposed, which has been renumbered §297.57(j), provides for the protection of water quality and significant floral and faunal resources. Therefore, this subsection is adopted as originally proposed.

The Sierra Club commented on the need for time limits for the suspension of instream flows and inflows. Additionally,

the Sierra Club suggested a need for the adoption of special procedural rules to ensure an expedited hearing could be held in a timely manner relative to the merits of the petition for emergency suspension of permit conditions.

The commission agrees with the comment concerning the need for a specific time limit for the suspension of permit conditions and has modified the rule accordingly to provide for a maximum initial period of 120 days, and a one-time renewal of not more than 60 days, if conditions warranting the emergency relief continue to exist. In response to the recommendation for special procedural rules for an expedited hearing, the rule and underlying statute provide that a hearing on the petition must be held within 15 days at the initial granting of any emergency relief. Additionally, current agency procedural rules provide the necessary flexibility to accomplish expedited hearings. Therefore, no additional change to the rule is made.

The Sierra Club suggested a time limit of 21 days be imposed for the initial suspension of permit conditions should the commission find that an emergency exists and cannot practically be resolved in other ways.

The commission disagrees with the comment. The statute provides that a hearing to determine whether the suspension should be continued shall be held within 15 days of the date on which the order to suspend is issued.

The Sierra Club recommended that a maximum time period should be included for the initial as well as any subsequent suspension period should the commission grant the emergency suspension.

The commission agrees with this comment and has included language in the rule to reflect this comment under new subsection (h).

Additionally, if the emergency conditions persist beyond the termination of the emergency suspension order and any renewal of the order, a permittee may file a new petition under 30 TAC §297.57(c) justifying a new emergency suspension order or seek to amend the water right as provided by §297.57(k). A permittee may also file a petition to amend an emergency suspension order during the term of the order if a significant change in conditions warrants amending the emergency suspension order and further or different relief is necessary.

The Sierra Club and the PIC recommended that no suspension be approved unless the petitioner has demonstrated that all reasonable steps have been taken to avoid the need for the suspension.

The commission agrees with the comment and has further clarified the rule to provide that emergency relief may not be granted unless an emergency exists and the petitioner demonstrates that no feasible practicable alternative exists to the emergency relief.

The Sierra Club suggested that language contained in §297.57(i) was unduly narrow and the commission should expand this subsection to consider the protection of "aquatic life."

The commission disagrees with this comment. The intent of the Water Code, §11.148 is to primarily protect human health, safety, and welfare. Furthermore, inherent in the protection of

water quality standards and threatened or endangered species, is the assumption that the aquatic community will be afforded some protection. However, during emergency conditions, the protection of human life must take priority. Therefore, no change is made in response to the comment.

The Sierra Club recommended a new subsection be added stating that instream flows and inflows be suspended only to the minimum extent necessary to address the emergency.

This comment has been addressed in §§297.57(i) and (j).

The Sierra Club commented that §297.57(k) be amended to create a presumption that the petitioner must abide by the provisions contained in their water right, before granting total or partial suspension of permit conditions for circumstances not addressed under the existing right.

The commission disagrees with the comment. The subsection, as written, and now renumbered as §297.57(l), states that only new or changed circumstances or an emergency situation not considered when the water right was issued, constitutes grounds for modifying provisions for the temporary, total, or partial suspension contained in the water right. Compliance with the existing water right is implicit; therefore, no change is made to the subsection.

TAKINGS IMPACT ASSESSMENT

The commission has prepared a Takings Impact Assessment for this rule pursuant to Texas Government Code Annotated, §2007.043. In its assessment, the commission finds that the primary purpose of this rule is to provide assistance to water right holders in understanding what will be required for the submission, review, and approval of a petition pursuant to Texas Water Code, §11.148. Promulgation and implementation of this rule will not affect private property which is the subject of the rule.

COASTAL MANAGEMENT PROGRAM CONSISTENCY REVIEW

This rulemaking is expressly exempt from the consistency requirements of the Coastal Management Program.

STATUTORY AUTHORITY

The rule is adopted under the Texas Water Code, §11.148, as well as §5.102, which provides the commission with general powers to carry out duties under the Texas Water Code, and §5.103, which provides the commission with the authority to adopt any rules necessary to carry out the powers and duties under the provision of the Texas Water Code and the laws of the state.

The rule is adopted under Texas Water Code §§5.103, 5.105, and 5.120 which provide the commission with the authority to promulgate rules necessary to carry out its powers and duties under the Texas Water Code and other laws of the state.

§297.57. *Emergency Suspension of Permit Conditions.*

(a) The purpose of this section is to set forth the procedures and criteria to be used by the commission in its review and action on a petition by a water right holder for the temporary suspension of conditions in the water right relating to beneficial inflows to bays and estuaries and instream uses during an emergency if there are no practicable, feasible alternatives to the suspension, pursuant to Texas

Water Code, §11.148. The procedures and emergency relief provided by this section shall only be used when the commission finds that emergency conditions exist that present an imminent threat to the public health, safety, and welfare and that override the necessity to comply with general procedures and criteria for changing the conditions in a water right and there are no feasible, practicable alternatives to the emergency authorization.

(b) Upon petition filed by the affected water right holder in accordance with this section, the commission shall consider and may approve the temporary suspension of all or a part of conditions in a water right relating to beneficial inflows to affected bays and estuaries and instream uses if the commission finds that an emergency exists and there is no feasible, practicable alternative to the suspension. The burden of demonstrating that the petition should be granted in accordance with this section is on the petitioner. For purposes of this section, an emergency is a condition where water supplies available to the petitioner have been reduced or impaired to such an extent that an imminent peril to the public health, safety, or welfare exists. Such condition may include, but not be limited to: the reduction of public water supplies to critical levels as a result of a severe and sustained drought; the failure of a dam for a public water supply reservoir; the significant contamination of a public water supply; or the failure or destruction of public water supply pipelines or other distribution systems.

(c) The petition shall be filed with the chief clerk of the commission and must be sworn and contain the following information:

(1) the name, address, and telephone number of the petitioner and copies of the affected permits, certificates of adjudication, or certified filings;

(2) a description of the emergency and its impact on public health, safety, and welfare;

(3) a description of all existing and potential water supplies available to the petitioner and their corresponding uses and costs;

(4) a summary of the examination made by the petitioner of whether feasible, practicable alternatives exist to the suspension of permit conditions and reasons why such alternatives do not exist;

(5) the amount of water over and above available supplies that are necessary to alleviate emergency conditions;

(6) copies of the water right holder's water conservation and drought contingency plans, if any, and a summary of their status and implementation, including the reasons why any remaining conservation or drought contingency measures provided by the plans have not or will not be implemented;

(7) a copy of the reservoir operating procedures, if applicable; and

(8) the proposed conditions and trigger levels for the suspension and reinstatement of the releases or other affected permit conditions.

(d) A copy of the petition must be filed by the petitioner with the Executive Director, Public Interest Counsel, and the Texas Parks and Wildlife Department (TPWD) at the same time it is filed with the chief clerk of the commission.

(e) Upon receipt of the petition, the chief clerk shall provide notice of the time and location of the commission's consideration of a petition to the TPWD, Executive Director, and Public Interest Counsel as soon as practicable after receipt of the petition, but in no event shall the petition be considered less than 72 hours after receipt of notice by the TPWD. The TPWD, Executive Director, and Public Interest Counsel shall be provided an opportunity to submit comments on the petition prior to commission action. The petitioner shall be afforded opportunity to respond to all comments at the time of the commission's consideration of the matter. If the commission initially grants an emergency suspension of permit conditions without a hearing, the order granting the emergency suspension shall fix a time and place for a hearing to be held before the commission to determine whether to affirm, modify, or set aside the initial granting of the emergency suspension of permit conditions. The hearing shall be held as soon after the emergency suspension is granted as is practicable but not later than 15 days after the initial emergency suspension is granted. The commission's order shall also set out the date any authorized suspension shall commence and end, the extent of any suspension, and any special condition upon which a suspension is granted. The commission's initial order may also indicate the referral of the matter to the State Office of Administrative Hearings for an expedited hearing under subsection (g) of this section.

(f) Published notice of the initial suspension of water right conditions, if granted, shall be provided and paid for by the petitioner immediately following a favorable commission initial decision on the petition by publication in a newspaper or newspapers of general circulation in the affected area. The published notice may not be smaller than 96.8 square centimeters or 15 square inches with the shortest dimension at least 7.6 centimeters or three inches. Such published notice must contain a summary of the information contained in the petition as provided by subsection (c) of this section and the time and location of the subsequent commission hearing provided by subsection (g) of this section. Such publication shall occur not later than seven calendar days prior to such hearing. For the purposes of this rule, the affected area shall be each county, in whole or in part, downstream of the diversion point or impoundment authorized under the affected water right. The petitioner shall file with the chief clerk a publisher's affidavit as proof that such notice was published in accordance with this section.

(g) Within 15 days of the initial granting of the emergency suspension of permit conditions, the commission shall hold a hearing to determine whether to affirm, modify, or set aside the initial emergency suspension. The hearing shall be conducted in accordance with Government Code, Chapter 2001 and rules of the commission, and written notice of the hearing shall be provided to the Texas Parks and Wildlife Department and affected persons not later than 10 days before the hearing. For matters referred to SOAH, the Administrative Law Judge may, consistent with the requirements of Chapter 2001 of the Government Code, reduce the time periods specified in the Commission's procedural rules governing contested case hearings.

(h) An emergency authorization granted under this section may be for a period of not more than 120 days if the commission finds that emergency conditions exist that present an imminent threat to public health, safety, and welfare and that override the necessity to comply with permit conditions and there are no feasible, practicable alternatives to the emergency authorization. Such emergency authorization may be renewed once for not longer than 60 days.

(i) In determining whether feasible, practicable alternatives exist to the suspension of water right conditions, the commission shall examine the amount and purposes of use for water currently being used by the petitioner, all evidence relating to the availability of alternative, supplemental water supplies to the petitioner, and the petitioner's efforts to curtail water use not essential for the protection of the public health, safety, and welfare. If the water right holder has a water conservation plan and/or drought contingency plan, the suspension of water right conditions may be contingent upon the full implementation of such plans and measures corresponding to the staged reduction of releases for existing instream uses and beneficial inflows. If the water right holder does not have a water conservation plan and drought contingency plan in accordance with Chapter 288 of this title (relating to Water Conservation Plans, Guidelines and Requirements), the commission order granting a petition under this section shall require the permittee to develop and implement such plans within a prescribed time period as provided in the order.

(j) In granting a petition, all existing instream flows shall be passed up to that amount necessary to maintain water quality standards for the affected stream. Additional flows necessary to protect a species in accordance with the federal Endangered Species Act or other species that are considered to be of "high interest" (self-sustaining wild populations that are endemic to the affected stream, have significant scientific value, or commercial value) may also be required.

(k) In order to assist in the preparation and planning for water management during an emergency, the commission may provide conditions in a water right necessary for relief consistent with applicable portions of this section when the water right is initially granted or subsequently amended. These conditions may include, but shall not be limited to a staged approach to the reduction in the pass-through amounts that provide for the pass-through of water for instream uses and bays and estuaries when it is available, and allow water to be captured or diverted for the protection of the public health, safety, and welfare during an emergency, subject to the protection of stream flows necessary under subsection (j) of this section for the maintenance of water quality standards. Such conditions may also include full implementation by the water right holder of water conservation and drought contingency plans as a precondition for obtaining relief.

(l) If the petitioner's water right already contains provisions for the temporary, total or partial suspension of permit conditions for the maintenance of instream flows or freshwater inflows to bays and estuaries, further or different relief requested in a petition submitted under this section generally will be denied unless the petitioner can show new or changed circumstances or an emergency condition not contemplated when the water right condition was issued.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on May 5, 1997.

TRD-9705994

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: May 30, 1997

Proposal publication date: November 8, 1997

For further information, please call: (512) 239-4640

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 57. Fisheries

Freshwater Mussels

31 TAC §57.156, §57.158

The Texas Parks and Wildlife Commission, in a regularly scheduled public hearing, April 17, 1997, adopts the repeal of §57.156 and §57.158 and new §§57.156-57.158, concerning Freshwater Mussels, without changes to the proposed text as published in the March 14, 1997, issue of the *Texas Register* (22 TexReg 2730).

Parks and Wildlife Code §78.006 authorizes the Commission to regulate the taking, possession and sale of mussels and clams by proclamation. Before issuing proclamations to regulate mussels and clams, the Commission is required to investigate the need for such regulation and make findings based on: (1) utilization of the best scientific information available; (2) consideration of measures necessary to prevent depletion; (3) consideration of measures necessary to manage; (4) consideration of measures, where practicable, that will minimize cost and avoid unnecessary duplication in administration; and (5) consideration of measures that will enhance enforcement.

The Department conducted research into mussels and clams and published its investigations and recommendations in "Freshwater Mussels of Texas" (Robert G. Howells, Raymond W. Neck, and Harold D. Murray Authors, 1996). The results of this published investigation are the basis of the adopted regulations.

All of the resources affected by the proposed rules are publicly owned resources in public waters. No private property is directly affected by or the subject of these rules. The proposed action was reviewed in the context of the Private Real Property Rights Preservation Act, Government Code, Chapter 2007 (Act). The rules do not affect any individual or particular parcel of private real property. There is no takings impact within the purview of Chapter 2007. Furthermore, there are no governmental actions allowed by the proposed regulations which fall under the purview of the definition of a "taking" in §2007.002(5) of the Act.

The new sections are necessary to protect stocks of mussels and clams in Texas. Department studies have concluded that stocks of mussels and clams have declined on a statewide basis. The continued commercial harvest of these species could exacerbate that decline.

The new sections substantially reduce the level of commercial harvest of mussels and clams, while still allowing recreational harvest of these species.

The department received no public comments concerning the proposed repeal and new mussel and clam regulations.

The repeals are adopted under Parks and Wildlife Code §78.006.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on May 8, 1997.

TRD-9706109

Bill Harvey

Regulatory Coordinator

Texas Parks and Wildlife Department

Effective date: May 28, 1997

Proposal publication date: March 14, 1997

For further information, please call: (512) 389-4642

Mussels and Clams

31 TAC §§57.156-57.158

The new rules are adopted under Parks and Wildlife Code §78.006.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on May 8, 1997.

TRD-9706110

Bill Harvey

Regulatory Coordinator

Texas Parks and Wildlife Department

Effective date: May 28, 1997

Proposal publication date: March 14, 1997

For further information, please call: (512) 389-4642

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 3. Income Assistance Services

Subchapter E. Household Determination

40 TAC §3.501

The Texas Department of Human Services (DHS) adopts an amendment to §3.501, concerning household determination in its Income Assistance Services rule chapter.

The purpose of the amendment is to implement federally mandated policy that adds the disqualification of individuals who are fugitives fleeing to avoid prosecution of, or confinement for, a felony criminal conviction or violating federal or state probation or parole.

The amendment will function by ensuring that DHS will be in compliance with federal law.

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs. The amendment is adopted pursuant to federal requirements.

The amendment implements the Human Resources Code §§22.001-22.030.

§3.501. *Household Determination.*

(a) (No change.)

(b) Aid to Families with Dependent Children. The following persons are not included in an AFDC certified group:

(1)-(2) (No change.)

(3) Disqualified persons.

(A) Persons are disqualified because they:

(i)-(iv) (No change.)

(v) are caretakers and second parents (except for those who are members of the state welfare reform waiver control group as described in §3.6002 of this title (relating to Applicability of Aid to Families with Dependent Children (AFDC) Policies Resulting from Human Resources Code, §31.0065, Relating to Time-Limits) who have exhausted their time limits of 12, 24, or 36 months, assigned according to the guidelines in Human Resources Code, §31.0065 for receiving AFDC cash benefits;

(vi) fail to timely report a certified child's temporary absence; or

(vii) are fugitives fleeing to avoid prosecution of, or confinement for, a felony criminal conviction, or found by a court to be violating federal or state probation or parole.

(B)-(C) (No change.)

(4)-(7) (No change.)

(c)-(d) (No change.)

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on May 7, 1997.

TRD-9706066

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: April 2, 1997

Proposal publication date: N/A

For further information, please call: (512) 438-3765



Chapter 79. Legal Services

The Texas Department of Human Services (DHS) adopts amendments to §§79.1102, 79.1204, 79.1207, 79.1309, and 79.1310. The amendments are adopted with changes to the proposed text as published in the March 11, 1997, issue of the *Texas Register* (22 TexReg 2591).

The justification for the amendments is to incorporate procedures into existing rules governing the fair hearing process that would ensure uniformity in the quality of Spanish language interpreters in fair hearings.

The amendments will function by ensuring that appellants will have more uniform quality of Spanish/English interpreters available in fair hearings.

During the public comment period, DHS received comments from Texas Legal Services Center. A summary of the comments and DHS's responses follow:

Comment: At proposed §79.1102, in the paragraph which precedes the subparagraphs (A) through (E), there should be inserted between the sentence "The names of qualified interpreters are maintained by DHS on a master list." and the sentence "A certified interpreter is one who is certified by at least one of the following entities:" the following sentence:

"A current copy of the DHS master list of interpreters shall be provided upon written request to the appropriate regional attorney."

Response: DHS is adopting §79.1102 to include the referenced change.

Comment: At proposed §79.1204(a)(3), at the end of subsection (a)(3) there should be added, "The entire notice shall be in English and Spanish. It shall include mention that the interpreter will be provided at no cost to the appellant."

Response: DHS is adopting §79.1204(a)(3) to include the referenced change.

Comment: At proposed §79.1207(g), in the second sentence, between the noun "participants" and the preposition "in" there should be inserted the two words "including witnesses" such that the phrase would read "...either that all participants including witnesses in a fair hearing are sufficiently fluent..."

Response: DHS is adopting §79.1207(g) to include the referenced change.

Comment: At proposed §79.1207(g) between the second sentence (which ends with "required.") and the third sentence (which begins with "The Texas Department of Human Services...") there should be inserted "Language barriers may include persons who have the inability to understand or communicate in English, or whose ability to understand or communicate in English is limited." Additionally, the following new subsection is included

(h) When an interpreter has been requested, the hearing officer may decline to use an interpreter under the following circumstances;

(A) In cases where all hearing participants are able to communicate effectively in the appellant's primary language, the hearing may be conducted in the appellant's primary language if the following requirements are met:

(i) all hearing participants state in the record that they can communicate effectively in the appellant's primary language; and

(ii) the hearing officer informs the appellant on the record in an idiom the appellant understands that s/he will be provided an

interpreter at no cost to the appellant if the appellant can show good cause to use an interpreter. The basis of the hearing officer's decision shall be stated on the record.

(B) In cases in which an interpreter has been requested, but all hearing participants including witnesses are sufficiently fluent in English to be able to communicate effectively so that no language barrier is present, the hearing may be conducted in English if the following criteria are met:

(i) all hearing participants including witnesses state on the record that they are sufficiently fluent in English so that no language barrier is present; and

(ii) the hearing officer informs the appellant on the record that s/he will be provided an interpreter at no cost to the appellant if s/he can show good cause to use an interpreter. The basis of the hearing officer's decision shall be stated on the record.

Response: DHS is adopting §79.1207(g) to include the referenced change. A new subsection (h) is added and the last sentence from the proposed subsection (g) is moved to create new subsection (i). Additionally, the sentence, "A qualified sign language interpreter is available for persons who are hearing impaired." which appeared as the last sentence in subsections (f), (g), and (i), is deleted from subsections (f) and (i) because it is not necessary in all of these subsections and is most appropriately placed in subsection (g).

Comment: At proposed §79.1309(d)(4) at the end of the present wording of the final sentence there should be added the following two further sentences:

"If a complaint and/or objection is made during the administrative hearing regarding the quality of the interpretation, TDHS shall investigate such complaint and respond to the complainant within a reasonable time. The hearing decision must include a ruling on any objection or complaint raised during the hearing concerning the quality of the interpretation, including a request to rehear the case."

Response: DHS is adopting §79.1309(d)(4) to include the referenced change.

Comment: At proposed §79.1310(a) between the third sentence (which ends with "...understand the decision.") and the fourth sentence (which begins with "The decision by ..."), there should be inserted a new sentence:

"An appellant who indicates by telephone, or in person, or in writing that assistance is needed to understand the decision shall receive an explanation of the hearing decision from bilingual personnel within a reasonable period of time. The time between the date of such an indication and the date of the explanation shall not be included in the period specified at 40 TAC §79.1105(b)."

Response: DHS is adopting §79.1310(a) to include only the first sentence of the requested change. Section 79.1105(b) is applicable to all appellants in fair hearings. The second sentence was not included in the court mandate upon which these rules are based.

Subchapter L. Fair Hearings

40 TAC 40 §79.1102

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22, 31, and 33, which authorizes the department to administer financial assistance programs.

The amendment implements the Human Resources Code, §§22.018, 31.034, and 33.001-33.025.

§79.1102. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

Spanish/English interpreter-At the discretion of the hearing officer, the Texas Department of Human Services (DHS) will use a qualified or certified Spanish/English interpreter in fair hearings. A qualified interpreter is one who passed the Texas Oral Proficiency Test (TOPT) at the advanced or higher level and who received appropriate training. The names of qualified interpreters are maintained by DHS on a master list. A current copy of the DHS master list of interpreters shall be provided upon written request to the appropriate regional attorney. A certified interpreter is one who is certified by at least one of the following entities:

(A) the American Translators Association;

(B) Federally Certified Court Interpreter through the Federal Court Interpreter Certification Examination;

(C) interpreter certification offered through a four-year college or university;

(D) state certification programs of California, Washington, New Jersey, Oregon, New Mexico, Minnesota, or Virginia; or

(E) United States Department of State's Escort seminar or conference.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on May 7, 1997.

TRD-9706028

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 26, 1997

Proposal publication date: March 11, 1997

For further information, please call: (512) 438-3765

Subchapter M. Appeals Process

40 TAC §79.1204, §79.1207

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22, 31, and 33 which authorizes the department to administer financial assistance programs.

The amendments implement the Human Resources Code, §§22.018, 31.034, and 33.001-33.025.

§79.1204. Notice Requirement-Proposed Termination or Reduction of Assistance.

(a) The Texas Department of Human Services (DHS) must give clients timely and/or adequate notice if a review of the client's situation shows that the grant is to be lowered or denied or services

reduced or terminated; DHS decides to make or continue a protective, vendor, or two-party payment; or DHS decides to continue a protective payment in AFDC mismanagement cases.

(1)-(2) (No change.)

(3) An adequate notice includes a statement of the proposed action; the reasons for the action; the specific regulations supporting the action; an explanation of the client's right to a hearing, if any; a statement of the right to request an interpreter and a reasonable opportunity to request an interpreter prior to a fair hearing; and the circumstances under which assistance or services are continued if the client requests a hearing. The entire notice shall be in English and Spanish. It shall include mention that the interpreter will be provided at no cost to the appellant.

(4) (No change.)

(b)-(c) (No change.)

§79.1207. Time and Place of Hearing.

(a)-(e) (No change.)

(f) The fair hearing is held at a reasonable place and time. This may be the local office or the appellant's home. The hearing officer considers the physical condition of the appellant and availability of transportation in setting the place of the fair hearing.

(g) The hearing officer determines on a case-by-case basis the necessity for an interpreter. If the hearing officer determines either that all participants, including witnesses, in a fair hearing are sufficiently fluent in Spanish or that all are sufficiently fluent in English so that no language barrier is present, no interpreter is required. Language barriers may include persons who have the inability to understand or communicate in English, or whose ability to understand or communicate in English is limited. The Texas Department of Human Services will make every effort to utilize the most qualified available interpreter for a person of limited English proficiency whose native language is not Spanish. A qualified sign language interpreter will be provided for persons who are hearing impaired.

(h) When an interpreter has been requested, the hearing officer may decline to use an interpreter under the following circumstances;

(1) In cases where all hearing participants are able to communicate effectively in the appellant's primary language, the hearing may be conducted in the appellant's primary language if the following requirements are met:

(A) all hearing participants state on the record that they can communicate effectively in the appellant's primary language; and

(B) the hearing officer informs the appellant on the record in an idiom the appellant understands that he will be provided an interpreter at no cost to the appellant if the appellant can show good cause to use an interpreter. The basis of the hearing officer's decision shall be stated on the record.

(2) In cases in which an interpreter has been requested, but all hearing participants, including witnesses, are sufficiently fluent in English to be able to communicate effectively so that no language barrier is present, the hearing may be conducted in English if the following criteria are met:

(A) all hearing participants, including witnesses, state on the record that they are sufficiently fluent in English so that no language barrier is present; and

(B) the hearing officer informs the appellant on the record that he will be provided an interpreter at no cost to the appellant if he can show good cause to use an interpreter. The basis of the hearing officer's decision shall be stated on the record.

(i) DHS will make every effort to utilize the most qualified available interpreter for a person of limited English proficiency whose native language is not Spanish.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on May 7, 1997.

TRD-9706027

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 27, 1997

Proposal publication date: March 11, 1997

For further information, please call: (512) 438-3765



Subchapter N. Hearing Procedure

40 TAC §79.1309, §79.1310

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22, 31, and 33, which authorizes the department to administer financial assistance programs.

The amendments implement the Human Resources Code, §§22.018, 31.034, and 33.001-33.025.

§79.1309. Action by Hearing Officer.

(a)-(c) (No change.)

(d) Recessed Fair Hearings.

(1)-(3) (No change.)

(4) The Texas Department of Human Services shall allow legal representatives during administrative hearings to make an objection and/or complaint to the hearing officer concerning the interpretation by any interpreter. The legal representative and/or appellant shall have the right to request during the hearing that the appeal be reheard. If a complaint and/or objection is made during the administrative hearing regarding the quality of the interpretation, DHS shall investigate such complaint and respond to the complainant within a reasonable time. The hearing decision must include a ruling on any objection or complaint raised during the hearing concerning the quality of the interpretation, including a request to rehear the case.

§79.1310. Decisions by Hearing Officer.

(a) Requirements. The decision by the hearing officer must be in English, in writing, and given to the appellant. The Texas Department of Human Services (DHS) shall provide a translated coversheet in Spanish for hearing decisions where an interpreter was used. The coversheet will include a short translated statement regarding the outcome of the hearing and instruct the appellant to call

the hearing officer if he needs assistance to understand the decision. An appellant who indicates by telephone or in person, or in writing that assistance is needed to understand the decision shall receive an explanation of the hearing decision from bilingual personnel within a reasonable period of time. The decision by the hearing officer is made for DHS and is the final administrative action by DHS in an appeal. The decision is documented and given to the appellant. The appellant may examine any documentary material related to the case before, during, or after the hearing.

(b)-(d) (No change.)

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on May 7, 1997.

TRD-9706029

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 26, 1997

Proposal publication date: March 11, 1997

For further information, please call: (512) 438-3765

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OPEN MEETINGS

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours before a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the ***Texas Register***.

Emergency meetings and agendas. Any of the governmental entities listed above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. All emergency meeting notices filed by governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the bulletin board at the main office of the Secretary of State in lobby of the James Earl Rudder Building, 1019 Brazos, Austin. These notices may contain a more detailed agenda than what is published in the ***Texas Register***.

Meeting Accessibility. Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or braille documents. In determining type of auxiliary aid or service, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting summary several days prior to the meeting by mail, telephone, or RELAY Texas (1-800-735-2989).

State Office of Administrative Hearings

Thursday, May 22, 1997, 1:00 p.m.

1700 North Congress Avenue, Hearings Rooms, Stephen F. Austin Building, Suite 1100

Austin

Utility Division

AGENDA:

A Prehearing Conference is scheduled for the above date and time in SOAH Docket Number 473-97-0925; PUC Docket Number 17278; Application of SOUTHWESTERN BELL TELEPHONE COMPANY For Revision to Access Service Tariff, Relating to Operator Transfer Service.

Contact: William G. Newchurch, 300 West 15th Street, Suite 5022, Austin, Texas 78701-1649, Austin, Texas 78711-3025, (512) 936-0728.

Filed: May 8, 1997, 4:10 p.m.

TRD-9706121

Texas Department of Agriculture

Tuesday, May 27, 1997, 10:30 a.m.

Texas Department of Agriculture, 900B, East Expressway 83

San Juan

AGENDA:

Administrative hearing regarding alleged violation of Texas Agriculture Code Annotated §§103.001-.15 (Vernon Supplement 1997) by South Texas Produce Company; Incorporated as petitioned by Mission Shippers, Incorporated.

Contact: Joyce Arnold, P.O. Box 12847, Austin, Texas 78711, (512) 475-1668.

Filed: May 9, 1997, 3:05 p.m.

TRD-9706196

Tuesday, May 27, 1997, 1:30 p.m.

Texas Department of Agriculture, 900B, East Expressway 83

San Juan

AGENDA:

Administrative hearing regarding alleged violation of Texas Agriculture Code Annotated §§103.001-.15 (Vernon Supplement 1997) by Kay-Dee Produce Company; Incorporated as petitioned by Celso Alvarado.

Contact: Joyce Arnold, P.O. Box 12847, Austin, Texas 78711, (512) 475-1668.

Filed: May 9, 1997, 3:04 p.m.

TRD-9706195

Texas Animal Health Commission

Wednesday, May 21, 1997, 1:00 p.m.

2105 Kramer Lane

Austin

EIA Ad Hoc Committee

AGENDA:

I. Discussion on disposition of out-of-state equine coming to Texas markets

II. Discussion of sale of known EIA reactors through regular livestock markets or horse sales when other equine are present

III. Discussion on the possible exemption of zebra from EIA regulations

IV. Description of equine tested on VS Form 10-11

V. Discussion on requirements for a negative EIA test at private treaty sales

VI. Discussion on the concern that private veterinarians' opportunity to test exposed equine.

VII. Discussion on EIA regulations effective January 1, 1997

VIII. Discussion on regulations concerning EIA testing at fairs, shows, exhibitions, etc.

NOTE: Public testimony will NOT be heard at this meeting. If you would like to send written testimony for the consideration of the Committee, please forward your comments to EIA Ad Hoc Committee, c/o Ms. Tiffany N. Norvell, TAHC, 2105 Kramer Lane, Austin, Texas 78758.

Contact: Tiffany N. Norvell, 2105 Kramer Lane, Austin, Texas 78758, (512) 719-0714.

Filed: May 9, 1997, 3:03 p.m.

TRD-9706193



Friday, May 23, 1997, 9:00 a.m.

2105 Kramer Lane

Austin

Advisory Committee on Tuberculosis and White-Tailed Deer

AGENDA:

I. Introduction and remarks

II. Comments on draft-report of the first meeting of the committee

III. Discussion of criteria for Implementation of a voluntary-industry program aimed to determine if TB is present in white-tailed deer population in Texas: a) premises under scientific breeder's permit; b) high fend and high-density conditions

IV. Conclusions

NOTE: Public testimony will NOT be heard at this meeting. If you would like to send written testimony for the consideration of the Committee, please forward your comments to EIA Ad Hoc Committee, c/o Ms. Tiffany N. Norvell, TAHC, 2105 Kramer Lane, Austin, Texas 78758.

Contact: Tiffany N. Norvell, 2105 Kramer Lane, Austin, Texas 78758, (512) 719-0714.

Filed: May 9, 1997, 3:03 p.m.

TRD-9706194



Texas Board of Architectural Examiners

Friday, May 30, 1997, 8:30 a.m.

The Hobby Building, 333 Guadalupe Street, Tower I, 12th Floor, Conference Room 1264

Austin

Board

AGENDA:

I. Call to Order; II. Roll Call; III. Recognition of Guests; IV. Introduction of New and Old Board Members; V. Chairman's Opening Remarks; VI. Consider/Act on Approval of Minutes; VII. Consider/Act on Executive Director's Report; VIII. Consider/Act

on Hearings; IX. Consider/Act on Examinations; X. Executive Session Pursuant to §551.071, Government Code: Consult with Staff Counsel to Determine Legal Implications of Enforcement Issues; Applications for Reinstatement of G. Murphree, Criminal Prosecution of W. Schellhase, and Incarceration of R. Jackson; XI. Consider/Act on Enforcement Issues: Application for Reinstatement of G. Murphree, Criminal Prosecution of W. Schellhase, and Revocation of R. Jackson; XII. Consider/Act on Conferences/Meetings; XIII. Consider/Act on Rules; XIV. Consider/Act on Public Comment; XV. Chairman's Closing Remarks; XVI. Adjourn.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Carolyn Lewis at (512) 305-8525, two working days prior to the meeting so that appropriate arrangements can be made.

Contact: Cathy L. Hendricks, P.O. Box 12337, Austin, Texas 78711-2337, (512) 305-8535.

Filed: May 8, 1997, 7:56 a.m.

TRD-9706096



Texas Corn Producers

Tuesday, May 20, 1997, 9:00 a.m.

Embassy Suites Hotel, 5901 North IH35

Austin

Texas Corn Producers Committee Meetings

AGENDA:

9:00 a.m. Research Proposals and Oversight Committee

Call to Order; Presentation and Discussion: NCGA/NCDF Corn Gerome Proposal, NCGA/NCDF Major Corn Market Programs, Texas Tech Corn Feeding Proposal; Discussion on any other business; Adjourn.

10:00 C-O-R-N Committee

Call to Order; Presentation and Discussion: Funding for Dr. Allen during BIG Conference in Waco, Grant Proposal from West Texas Gas Users Association; Any other Business; Adjourn

10:30 a.m. Advertising, Promotion and Education

Call to Order; Presentation and Discussion on Corn Breeding/Genetics position at Texas A&M University; Presentation on Setting Up Promotion Accounts for Each Director; Discussion on any other business; Adjourn.

11:00 a.m. Finance committee.

Call to Order; Discussion on January, February, and March 1997 Financial Statements; Presentation and Discussion on Employee Retirement Plan; on Resolution to Transfer Securities for Carl King, on Employment Proposal from Andy Armstrong; Discussion on any other Business; Adjourn.

Contact: Jerry Don Glover, 218 East Bedford, Dimmitt, Texas 79027, (806) 647-4224.

Filed: May 7, 1997, 3:10 p.m.

TRD-9706081

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Wednesday, May 21, 1997, 8:00 a.m.

Embassy Suites Hotel, 5901 North IH35

Austin

Texas Corn Producers Board

AGENDA:

Call to Order

Action: Minutes of January 29, 1997 meeting

Presentation and Action: Recommendations from the Research Proposal and Oversight Committee; Recommendations from CORN Committee; Recommendations from the Advertising, Promotion and Education Committee; On Texas Workforce Commission; On Employee Retirement Plan; Recommendations from Finance Committee; On January, February and March Financial Statements.

Report: Activity Report. Adjourn for Executive Session

Executive Session: In accordance with Texas Government Code, Annotated §551.074, to discuss TCPB personnel; Adjourn Executive Session.

Call to Order

Discussion and Action: Take action on Executive Session, if necessary; Setting time and place of next board meeting.

Discussion: Other Business

Adjourn

Contact: Jerry Don Glover, 218 East Bedford, Dimmitt, Texas 79027, (806) 647-4224.

Filed: May 7, 1997, 3:08 p.m.

TRD-9706080

◆ ◆ ◆
Texas Department of Criminal Justice

Thursday, May 15, 1997, 1:00 p.m.

Doubletree Hotel, 6505 IH35

Austin

Programs Committee

AGENDA:

I. Day Resource Centers/Day Reporting Centers

II. Community Service Projects

III.; Mini Task Force Issues

A. Family Programs (#1)

B. Educational and Spiritual Programs for Community Cable TV (#3)

IV. National Trends for Faith Based Programs

V. Overview of Post Secondary Program and Reimbursement Process

VI. Project Re-Enterprise/Enterprising Girl Scouts Beyond Bars

VII. Sex Offender Treatment Program Update

VIII. UT Graduate School of Business — Program on Community Minority Business Advancement

IX. Programs and Services Division Updates

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are required to contact the agency prior to the meeting so that appropriate arrangements can be made.

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: May 7, 1997, 4:31 p.m.

TRD-9706091

◆ ◆ ◆
Thursday, May 15, 1997, 4:00 p.m.

Doubletree Hotel, 6505 IH35

Austin

Windham School Board of Trustees

AGENDA:

I. Regular Session

A. Consent Items

1. Minutes of the March 20, 1997 meeting

2. Multiple Employment Requests

3. Bi-Monthly Investment Report

B. Public Comment

C. Adjourn

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are required to contact the agency prior to the meeting so that appropriate arrangements can be made.

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: May 7, 1997, 4:30 p.m.

TRD-9706089

◆ ◆ ◆
Thursday, May 15, 1997, 4:30 p.m.

Doubletree Hotel, 6505 IH35

Austin

Texas Board of Criminal Justice

AGENDA:

I. Executive Session

A. Discussion with attorneys concerning: Bragg v. TDCJ; Falgoust v. TDCJ; Guajardo v. TDCJ; McClain v. TDCJ; Moore v. TDCJ; Prejean v. TDCJ; Ruiz v. Scott; Tullis v. TDCJ; and Spivey v. TDCJ cases (Closed in accordance with §551.071, Government Code.

B. Discussion of matters made confidential under State Bar Disciplinary Rules of Professional Conduct (Closed in accordance with §551.071, Government Code).

C. Discussion of personnel matters. (Closed in accordance with §551.074, Government Code)

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are required to contact the agency prior to the meeting so that appropriate arrangements can be made.

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: May 7, 1997, 4:30 p.m.

TRD-9706090



Friday, May 16, 1997, 9:00 a.m.

Doubletree Hotel, 6505 IH35

Austin

Texas Board of Criminal Justice

AGENDA:

II. Regular Session

A. Recognitions

B. Consent Items

1. Hazardous Duty Pay Authorization Requests

2. Multiple Employment Requests

3. Personal Property Donations

4. Vending Machine Requests

5. Payment to Attorneys of Indigent Inmates

6. Easements

C. Approval of the 62nd Board of Criminal Justice Meeting Minutes

D. Board Liaison and Committee Reports/Division Summaries

E. Approval of Purchases over One Million Dollars

F. Presentation by the Judicial Advisory Council

G. Update on the Prison Museum in Huntsville

H. Land Transactions

1. Amendment to the Parker County Youth Emergency Shelter Inc. Lease in Walker County

2. Addendum to the TTT of Texas Travel Center Lease- Additional 10 Acres of the Wynne Unit in Walker County

3. Resolution relating to the Sale of 6.69 +/- Acres of the Goree Unit in Walker County

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are required to contact the agency prior to the meeting so that appropriate arrangements can be made.

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: May 8, 1997, 7:56 a.m.

TRD-9706094



Friday, May 16, 1997, 11:00 a.m.

Doubletree Hotel, 6505 IH35, Phoenix Ballroom North

Austin

Community Justice Assistance, Parole, and State Jail Division Committee

AGENDA:

I. Briefing on the Judicial Advisory Council and on Community Corrections

II. Discussion of Future Committee Topics

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are required to contact the agency prior to the meeting so that appropriate arrangements can be made.

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: May 9, 1997, 8:00 a.m.

TRD-9706159



Texas Commission for the Deaf and Hard of Hearing

Sunday, May 18, 1997, 9:00 a.m.

Brown Heatly Building, Room 7230, 4900 North Lamar

Austin

AGENDA:

Call to Order; Establish a Quorum; Public Comment. Members of the public are invited to make comments not to exceed five minutes on subjects relevant to the business of the Commission; Approval of Minutes of April 18, 1997 Meeting (ACTION); Executive Director's Report including Equipment Distribution Bill Update; Appropriations Bill Update, Discussion and Possible Action Regarding Sending a Letter to the Round Rock School District Regarding Use of Level II Interpreters (ACTION), Letter to State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments and the State Board of Examiners for Speech-Language Pathology and Audiology and the Department of Health to Establish an Ad Hoc Workgroup (ACTION) and Discussion and Possible Action Regarding Revision of the Memorandum of Understanding with the Department of Health (ACTION); Direct Services Report including Camp Sign Update, Council Survey Update, Approval for Distribution of Funds Formula (ACTION), Discussion and Possible Action on Proposed Amendment to 40 TAC §181.3 Definitions (ACTION), Discussion and Possible Action on Proposed Amendments to 40 TAC §181.26, Services for Elderly Deaf Individuals (ACTION), Discussion and Possible Action on Proposed Amendments to 40 TAC §181.830, Recommended Fees Schedule for the Payment of Certified Interpreters for the Deaf

and Hard of Hearing (ACTION), and Repeal Rules of 40 TAC §§181.41, Telecommunication Devices for the Deaf (TDD) Program (ACTION), 181.810, Publications (ACTION) and 181.840, Sliding Fee Scale for Interpreter Services; BEI Report including Discussion and Possible Action on Proposed Amendments to 40 TAC §183.157, Recertification Process (ACTION), Discussion and Possible Action on Proposed Amendments to 40 TAC, §183.501, Grounds for Denial, Suspension, or Revocation of an Interpreter Certificate or Interpreter Certification Application (ACTION), and Approval of Certification, Recertification, Revocation of Interpreters; Setting Dates for Future Commission Meetings; Announcements; Adjourn.

Contact: Margaret Susman, 4800 North Lamar, #310, Austin, Texas 78756, (512) 451-8494.

Filed: May 8, 1997, 4:10 p.m.

TRD-9706138



State Employee Charitable Campaign

Thursday, May 15, 1997, 5:00 p.m.

2820 San Bernardo Avenue, Suite 3

Laredo

Local Employee Committee, Laredo

AGENDA:

1. Welcome
2. Overview of Last Year's Campaign
3. Committee Responsibilities
4. Review and Select LCM
5. Review and select applications for local eligibility
6. Set campaign dates and goal
7. Set local budget
8. New Business
9. Adjourn

Contact: Peggy Garcia, P.O. Box 1346, Laredo, Texas 78042-1346, (210) 723-9113, fax: (210) 723-2724.

Filed: May 9, 1997, 2:06 p.m.

TRD-9706184



Monday, May 19, 1997, 2:00 p.m.

4000 Southpark Drive

Tyler

Local Employee Committee, Tyler

AGENDA:

1. Call to Order
2. Review applications received from local agencies and federations for eligibility
3. Discuss agenda and schedule next meeting

Contact: Ron Greathouse, 4000 Southpark Drive, Suite 1200, Tyler, Texas 75703-1744, (903) 581-6376.

Filed: May 9, 1997, 4:25 p.m.

TRD-9706221



Wednesday, May 21, 1997, 11:00 a.m.

Annex Board Room, 200 East Martin Luther King Boulevard

Austin

Local Employee Committee

AGENDA:

Welcome and Introductions

Review Minutes of May 1, 1997

Audit of United Way Hays County

Brochure submittal to State Policy Committee

Team Reports

Set Next Meeting

Adjourn

Contact: Anne Murphy, 2000 East MLK Jr. Boulevard, Austin, Texas 78702, (512) 472-6267.

Filed: May 9, 1997, 10:20 a.m.

TRD-9706172



Texas Health Care Information Council

Monday, May 19, 1997 at 8:30 a.m.

Sam Houston Building, Room 175, 14th and San Jacinto Streets

Austin

Consumer Education Committee

AGENDA:

The Consumer Education Committee will convene in open session, deliberate, and possibly take formal action on the following items: work plan for the Council's Education program, including seminars relating directly to implementation of rules and planning of public education efforts relating to health care data.

Contact: Jim Loyd, 4900 North Lamar OOL-3407, (512) 424-6490, fax: (512) 424-6491.

Filed: May 9, 1997, 9:24 a.m.

TRD-9706166



Monday, May 19, 1997 at 10:30 a.m.

Sam Houston Building, Room 175, 14th and San Jacinto Streets

Austin

Board of Directors

AGENDA:

The Council will convene in open session, deliberate, and possibly take formal action on the following items: Minutes of the March 31, 1997 meeting; consideration of spending authorization for education seminars relating to implementation of rules; consideration of spending authorization for public education efforts relating to health care information; comments from counsel concerning identification and clarification of legal issues in pending hospital discharge data and HMO HEDIS rules; executive session- advisory from counsel relating to pending hospital discharge data and HMO HEDIS and hospital discharge data rules; briefing on request for pricing concerning collection of data relative to proposed hospital discharge data rule; presentation concerning State Health Care Information Plan and possible authorization to modify existing contract; report on TAC activity and possible action to modify committee sizes, policies and definition of quorum; staff report; deliberation and formal action relating to staff report items; deliberation and formal action on transfer of funds from THCIC to TDII; deliberation and consideration of request for ATtorney General's opinion concerning reimbursement of "actual" expenses; excutive session — Al Barber v. Texas Department of Health and Texas Health Care Information Council (as authorized by §551.071, Government Code); and public comment.

Contact: Jim Loyd, 4900 North Lamar OOL-3407, (512) 424-6490, fax: (512) 424-6491.

Filed: May 9, 1997, 9:24 a.m.

TRD-9706165

Texas Department of Health

Friday, May 16, 1997 at 9:30 a.m.

Moreton Building, Room M-652, Texas Department of Health, 1100 West 49th Street

Austin

Osteoporosis Advisory Committee

AGENDA:

The Committee will discuss and possibly act on: warm up/review agenda: advisory committee member updates; Osteoporosis Awareness Campaign (work session); public comments/announcements; determine agenda items for next meeting; evaluation of meeting; and schedule next two meeting dates.

To request an accommodation under the ADA, please contact Suzzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Rhonda Lane, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7111, extension 2088.

Filed: May 8, 1997, 3:33 p.m.

TRD-9706135

Monday, May 19, 1997 at 9:30 a.m.

Tower Building, Room T-607, Texas Department of Health, 1100 West 49th Street

Austin

Midwifery Board, Grievance Committee

AGENDA:

The Committee will discuss and possibly act on: complaints (resolution of complaints #96-13, #97-01, and #97-02); midwives inducted for birth certificate fraud; and announcements and comments not requiring board action.

To request an accommodation under the ADA, please contact Suzzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Belva Alexander, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7111, extension 2067.

Filed: May 8, 1997, 3:33 p.m.

TRD-9706136

Texas Historical Commission

Thursday, May 29, 1997, 9:00 a.m.

Austin Marriott at the Capitol, 701 East 11th Street, Capitol Ballroom F, Third Floor

Austin

Texas Antiquities Advisory Board

AGENDA:

Approval of minutes from January 29, 1997, Antiquities Advisory Board (AAB) Meeting. There are seventeen sites for State Archeological Landmarks (SAL) designation: a) Site 41AU84, Mill Creek Farmstead, Austin County; b) Sites 41BT1/Grelle Site and 41BT270 (Noah Smithwick's Mill, Burnet County; c) Site 41KR537 (publicly owned portions only), Kerr County; d) Site 41LB87, Liberty County; e) Stevens Site, Nacogdoches County; f) Sites 41PS169, 41PS191, 41S201/Los Cuevas Amarillas, 41PS456, 41PS457, 41PS491, 41PS528, 41PS564/Three Shaman Rock Shelter, and 41PS605, Presidio County; g) Site 51TV1762, Hidden Hollow Site, Travis County; and l) Camp Mabry Historic District, Travis County. There are four sites for Nomination of State Archeological Landmarks: 1) 41WM731, Brush Creek MUD, City of Round Rock, Williamson County; b) 41TV860, Scofield Farms Survey, City of Austin, Travis County; c) 41LM27, Hanna Springs, City of Lampasas, Lampasas County; and d) 41MG60, Mad Island Marsh Preserve Texas Parks and Wildlife Site Matagorda County. There will be a review of a draft set of rules (Chapter 24) for the regulation, management and restriction of sensitive data associated with site locational information. Listen to any public comments and any staff reports. Adjourn meeting.

Contact: Lillie Thompson, P.O. Box 12276, Austin, Texas 78711, (512) 463-1858

Filed: May 9, 1997, 3:01 p.m.

TRD-9706188

Texas State Affordable Housing Corporation

Monday, May 19, 1997, 11:00 a.m.

103 Main Plaza, City Council Chambers

San Antonio

Board

AGENDA:

The Board of Texas State Affordable Housing Corporation will meet to consider and possibly act on: Approval of Minutes of April 20, 1997; Termination of SEP Retirement Plan and Approval to Implement 401K Retirement Plan; Signature Authority; Presidents Report; Executive Session- Personnel Matters; Consultation with attorney under §551.071(2) of Texas Government Code; Action in Open Session on Items Discussed in Executive Session; Adjourn.

Contact: Larry Paul Manley, 507 Sabine, Suite 900, Austin, Texas 78701, (512) 475-3934.

Filed: May 9, 1997, 3:00 p.m.

TRD-9706186



Texas Department of Housing and Community Affairs

Monday, May 19, 1997, 10:00 a.m.

103 Main Plaza, City Council Chambers

San Antonio

Board

AGENDA:

The Board of Texas Department of Housing and Community Affairs will meet to consider and possibly act on: Minutes of April 21, 1997; Texas STEP Technical Assistance Contract Renewal; Housing Demonstration Fund Contracts for City of Kilgore and City of Nash; Contract Extensions Under the Home Construction and Acquisition Loan Program for Non-Profit Housing Resource Group and City of Edinburg; Revised Guidelines for Home Construction and Acquisition Loan Program now known as C.A.S.A. de Frontera Program; El Paso Hills Project Under the C.A.S.A. de Frontera Program; Deobligation of Funds to East Texas Human Development Corporation from Housing Trust Fund; Neighborhood Partnership Program for Texans for Majestic Homes in Houston, Sterling Green in Harris County, Fairway Ridge in Austin and SDC Walnut Creek Partners in Austin; Issuance of Determination Notice for Tax Credits for Stone Ridge Apartments and Babcock Villas Apartments; Report Items- Office of Colonia Initiatives and El Cenizo Survey Report; Executive Session for Personnel Matters; Anticipated Litigation under §551.071 and 551.103, Texas Government Code, Personnel Matters regarding duties and responsibilities in relationship to Budget under §551.074, Texas Government Code, Act in Open Session on items discussed in Executive Session. Adjourn.

Contact: Larry Paul Manley, 507 Sabine, Suite 900, Austin, Texas 78701, (512) 475-3934.

Filed: May 9, 1997, 4:18 p.m.

TRD-9706220



Texas Department of Human Services (TDHS)

Friday, May 16, 1997, 10:00 a.m.

701 West 51st Street, East Tower, Public Hearing Room

Austin

Board of Human Services

AGENDA:

1. Approval of the Minutes of April 18, 1997. 2. Chair's Comments and Announcements. 3. Status Report; Improvements in the Child and Adult Care Food Program (CACFP). 4. Revision of Nursing Facility List of Allowable and Unallowable Costs Pertaining to Costs Reimbursable through Voucher Systems. 5. Adoption of Rules on Hardship Criteria for Time Limits in the Aid to Families with Dependent Children (AFDC) Program. 6. Amendments to Policies and Procedures. 7. Commissioner's Report; a. Charitable Choice Initiative. b. Legislative Update. c. Announcements and Comments. d. Tracking of Board Action.

Contact: Sherron Heinemann, P.O. Box 149030, Austin, Texas 78714-9030, (512) 438-3048.

Filed: May 8, 1997, 3:30 p.m.

TRD-9706128



Texas Department of Insurance

Wednesday, May 28, 1997, 10:00 a.m.

Stephen F. Austin Building, 1700 North Congress Avenue, Suite 1100

Austin

AGENDA:

Docket Number 454-96-0936. C. To consider whether disciplinary action should be taken against TOMMY LEE HARWELL, Childress, Texas, who holds a Group I Legal Reserve Life Insurance Agent's License and Local Recording Agent's License issued by the Texas Department of Insurance.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: May 12, 1997, 9:47 a.m.

TRD-9706242



Friday, May 30, 1997, 1:00 p.m.

Stephen F. Austin Building, 1700 North Congress Avenue, Suite 1100

Austin

AGENDA:

Docket Number 454-97-0532. C. To consider whether disciplinary action should be taken against JOHN TANAS SLIHEET, Houston, who holds a Group I Legal Reserve Life Insurance Agent's License and Local Recording Agent's License issued by the Texas Department of Insurance (Continued from April 29, 1997).

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: May 12, 1997, 9:48 a.m.

TRD-9706243



General Land Office

Tuesday, May 20, 1997, 10:00 a.m.

Stephen F. Austin Building, 1700 North Congress Avenue, Room 831

Austin

School Land Board

AGENDA:

Approval of previous board meeting minutes; opening and consideration of bids received for the May 20, 1997 sealed bid land sale; Report on DCRC State Trust; direct land sales, Brewster County; direct land sale, tax foreclosure, Bexar County; Coastal public lands — commercial easement applications, renewals and amendments, Aransas Bay, Aransas County, Arroyo Colorado, Cameron County; Eckert Bayou, Galveston County; Galveston Bay, Galveston County; easement renewals, Laguna Madre, Cameron County; Cow Bayou, Harris County; Offats Bayou, Galveston County; coastal public lands — consideration of lease/easement insurance requirements; Executive Session and Open Session — consideration and approval of a contract not to exceed \$96,000 to consider a feasibility study for a gas cogeneration plant, Duval County; Executive Session and Open Session — discussion regarding disposition and related issues concerning Paseo Del Este, El Paso County; Executive Session- discussion of property at San Antonio and IH10, San Antonio, Texas, Bexar County; Executive Session- pending or contemplated litigation.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: May 9, 1997, 4:25 p.m.

TRD-9706223



Tuesday, May 20, 1997, 10:00 a.m.

Stephen F. Austin Building, 1700 North Congress Avenue, Room 831

Austin

School Land Board

REVISED AGENDA:

Consideration and approval of tracts, terms and conditions for a July 1, 1997 special oil and gas lease sale.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: May 12, 1997, 8:48 a.m.

TRD-9706228



Texas Department of Licensing and Regulation

Monday, May 19, 1997, 9:00 a.m.

920 Colorado, E.O. Thompson Building, Fourth Floor, Conference Room 420

Austin

Enforcement Division, Auctioneering

AGENDA:

According to the complete agenda, the Department will hold an Administrative Hearing to consider possible assessment of administra-

tive penalties against and revocation of the license of the Respondent, James C. Ray, for failing to pay all amounts due the seller within fifteen (15) banking days in violation of the TEX. REV. CIV. STAT. ANN. Article 8700 (the Act) §7(a)94 and 16 TEX. ADMIN. CODE (TAC) §67.101(4); the claimant in this case also filed a claim against the Auctioneer Education and Recovery Fund in accordance with the Act §5C. This Administrative Hearing will be held pursuant to the Act and TEX.REV.CIV. STAT. ANN. art. 9100; the TEX.GOV'T. CODE Chapter 2001 (APA); and 16 TAC Chapter 67.

Contact: Paula Hamje, 920 Colorado, E.O. Thompson Building, Austin, Texas 78701, (512) 463-3192.

Filed: May 8, 1997, 10:03 a.m.

TRD-9706111



Wednesday, May 21, 1997, 9:00 a.m.

920 Colorado, E.O. Thompson Building, Fourth Floor, Conference Room 420

Austin

Enforcement Division, Air Conditioning

AGENDA:

According to the complete agenda, the Department will hold an Administrative Hearing to consider possible assessment of administrative penalties against the Respondent, Paul Holder, for engaging in air conditioning and refrigeration contracting without a license, a violation of TEX. REV. CIV. STAT. ANN. Article 8861 (the Act) §3B, pursuant to the ACT and TEX.REV.CIV. STAT. ANN. Article 9100; the TEX.GOV'T. CODE Chapter 2001 (APA); and 16 TAC Chapters 60 and 75.

Contact: Paula Hamje, 920 Colorado, E.O. Thompson Building, Austin, Texas 78701, (512) 463-3192.

Filed: May 9, 1997, 3:05 p.m.

TRD-9706197



Texas Low-Level Radioactive Waste Disposal Authority

Friday, May 16, 1997, 10:00 a.m.

7701 North Lamar Boulevard, #300

Austin

Board of Directors, Budget Committee

AGENDA:

The committee will discuss budget adjustments for FY 1997 and review an audit.

Contact: Lawrence R. Jacobi, Jr. 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752, (512) 451-5292.

Filed: May 8, 1997, 4:43 p.m.

TRD-9706155



Texas State Board of Examiners of Marriage and Family Therapists

Sunday, May 18, 1997, 1:00 p.m.

Omni Austin Hotel, Downtown — Justice Room, 700 San Jacinto
Austin

Application Review Committee

AGENDA:

The committee will discuss and possibly act on: application status of Peter Lehman; status of renewal applications (Martha Beck, Bernard Blanke, Tom Capo, Thelma Duffey, Barbara Flanagan, Judith Fulton, Jan Krueger, and Carole Maxfield); inactive status requests (Robert Azzarito, Joyce Baker, Julian Bridges, Lynn Barrow, Marion Bushnell, Paul Carlisle, Judy Collette, Frank Crippen, Esther Diaz-Yazan, Sandra Enright, Della Gallehugh, Pamela Gray, Mark Hatfield, Dan Henderson, Sherry Hess, Celia Hunt, Ajakai Jaya, Sharon Job, Marlys Lamar, Myra McKeever, Jerry McManus, Karen Miller, Lauchlan Nelson, Wayne Price, Rose Richardson, Christine Risberg, Patti Roberts, Lori Rubin, Michael Russell, Martha Smith, Twila Thomas, Ronald Trammell, Sally West, and Mark Wolf); and ratification of licensure application and licensure renewal files since November 4, 1996.

To request an accommodation under the ADA, please contact Suzzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6657.
Filed: May 8, 1997, 3:32 p.m.

TRD-9706133



Sunday, May 18, 1997, 2:00 p.m.

Omni Austin Hotel, Downtown — Justice Room, 700 San Jacinto
Austin

Rules Change Committee

AGENDA:

The committee will discuss and possibly act on: amendments to 22 Texas Administrative Code, Chapter 801, Concerning types of acceptable continuing education, continuing education annual hour carry-over and ethics hours per year, criminal history check during application procedure and the inactive status for a marriage and family therapist associate.

To request an accommodation under the ADA, please contact Suzzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6657.
Filed: May 8, 1997, 3:33 p.m.

TRD-9706137



Sunday, May 18, 1997, 3:00 p.m.

Omni Austin Hotel, Downtown — Justice Room, 700 San Jacinto
Austin

Ethics Committee

AGENDA:

The committee will discuss and possibly act on: complaints (MFT-96-7; MFT-96-10; MFT-96-26; MFT-96-42; MFT-97-1; MFT-97-1; FT-97-3; MFT-97-4; MFT-97-6; MFT-97-7; MFT-97-9; MFT-97-10; MFT-97-11; MFT-97-12; MFT-97-13; MFT-97-14; MFT-97-15; MFT-97-16; MFT-97-17; MFT-97-18; MFT-97-19; MFT-97-20).

To request an accommodation under the ADA, please contact Suzzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6657.

Filed: May 8, 1997, 3:32 p.m.

TRD-9706132



Monday, May 19, 1997, 9:00 a.m.

Omni Austin Hotel, Downtown — Justice Room, 700 San Jacinto
Austin

Regular Board Meeting

AGENDA:

The board will discuss and possibly act on: approving the minutes of the January 29, 1997 meeting; committee reports (Application Committee (application status of Peter Lehman; status of renewal applications (Martha Beck, Bernard Blanke, Tom Capo, Thelma Duffey, Barbara Flanagan, Judith Fulton, Jan Krueger, and Carole Maxfield); inactive status requests (Robert Azzarito, Joyce Baker, Julian Bridges, Lynn Barrow, Marion Bushnell, Paul Carlisle, Judy Collette, Frank Crippen, Esther Diaz-Yazan, Sandra Enright, Della Gallehugh, Pamela Gray, Mark Hatfield, Dan Henderson, Sherry Hess, Celia Hunt, Ajakai Jaya, Sharon Job, Marlys Lamar, Myra McKeever, Jerry McManus, Karen Miller, Lauchlan Nelson, Wayne Price, Rose Richardson, Christine Risberg, Patti Roberts, Lori Rubin, Michael Russell, Martha Smith, Twila Thomas, Ronald Trammell, Sally West, and Mark Wolf); and ratification of licensure application and licensure renewal files since November 4, 1996. Rule Change Committee (adoption of amendments to 22 Texas Administrative Code, Chapter 801 concerning types of acceptable continuing education, continuing education annual hour carry-over and ethics per year, criminal history check as a part of the application procedure and inactive status for marriage and family therapist associates) Ethics Committee (status on (MFT-96-7; MFT-96-10; MFT-96-26; MFT-96-42; MFT-97-1; MFT-97-1; FT-97-3; MFT-97-4; MFT-97-6; MFT-97-7; MFT-97-9; MFT-97-10; MFT-97-11; MFT-97-12; MFT-97-13; MFT-97-14; MFT-97-15; MFT-97-16; MFT-97-17; MFT-97-18; MFT-97-19; MFT-97-20)), report of the board chairperson; executive director's report; public comments; and announcements and future items for consideration not requiring board action.

To request an accommodation under the ADA, please contact Suzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6657.

Filed: May 8, 1997, 3:32 p.m.

TRD-9706134

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Texas State Board of Medical Examiners

Thursday-Saturday, May 8-10, 1997, 9:00 a.m., 3:00 p.m. and 8:30 a.m. respectively

333 Guadalupe, Tower 2, Suite 225

Austin

EMERGENCY REVISED AGENDA:

In addition to previously posted agenda, the following have been added: approval of additional disciplinary orders, a request for modification of order, and approval of committee appointments.

REASON FOR EMERGENCY: Information has come to the attention of the agency and requires prompt consideration.

Contact: Pat Wood, P.O. Box 2018, Austin, Texas 78768-2018, (512) 305-7016, fax: (512) 305-7008.

Filed: May 7, 1997, 2:56 p.m.

TRD-9706078

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Friday, May 9, 1997, 1:00 p.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Ethics Committee

EMERGENCY REVISED AGENDA:

In addition to previously posted agenda, the following have been added: discussion, recommendation and possible action related to physician advertising.

REASON FOR EMERGENCY: Information has come to the attention of the agency and requires prompt consideration.

Contact: Pat Wood, P.O. Box 2018, Austin, Texas 78768-2018, (512) 305-7016, fax: (512) 305-7008.

Filed: May 7, 1997, 2:56 p.m.

TRD-9706079

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Friday, May 9, 1997, 4:00 p.m.

333 Guadalupe, Tower 3, Suite 610

Austin

Disciplinary Panel

EMERGENCY MEETING AGENDA

1. Call to Order

2. Roll Call

3. Consideration of the Application for Temporary Suspension of the license of Larry Jack Breitenstein, D.O., License D-5923.

4. Adjourn

REASON FOR EMERGENCY: Information has come to the attention of the agency and requires prompt consideration.

Contact: Pat Wood, P.O. Box 2018, Austin, Texas 78768-2018, (512) 305-7016, fax: (512) 305-7008.

Filed: May 8, 1997, 2:56 p.m.

TRD-9706124

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Texas Natural Resource Conservation Commission

Tuesday, May 20, 1997, 9:30 a.m.

12100 Park 35, Building A, Room 328, Third Floor

Austin

Irrigators Advisory Council

AGENDA:

Meeting called to order; Irrigators Advisory Committee reports, certification recommendation of successful candidates, TNRCC staff reports, Public Comments and Adjourn.

Contact: Gene Reagan or Bettye Jean Urban at TNRCC, P.O. Box 13087, Mail Code 177, Austin, Texas 78711-3087, (512) 239-6719 or (512) 239-6658 or 6659.

Filed: May 9, 1997, 3:02 p.m.

TRD-9706192

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Wednesday, May 21, 1997, 3:00 p.m.

Crockett City Hall, Council Chambers, 200 North Fifth Street

Crockett

AGENDA:

TNRCC will conduct an informal public meeting regarding the application of CITY of CROCKETT, Proposed Registration Number MSW40114, to authorize construction and operation of a Type V-TS municipal solid waste transfer station. The proposed site is located on approximately 0.43 acre in the easternmost corner of a larger tract of land owned by the City of Crockett. The 0.43 acre tract of land is located approximately 0.75 miles east of the intersection of Navarro Road (Farm-to-Market Road 229) and Loop 304 (North Durette) on Navarro Road in the City of Crockett, Houston, County, Texas.

Contact: Charles Stavley or Ann Scudday, TNRCC, P.O. Box 13087, Mail Code 176, Austin, Texas 78701, (512) 239-6688 or (512) 239-4756.

Filed: May 8, 1997, 8:26 a.m.

TRD-9706098

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Thursday, May 22, 1997, 1:00 p.m.

John Gray Center, Building A, Seminar C, 855 Florida Avenue

Beaumont

AGENDA:

TNRCC will conduct an informal public meeting regarding the application of JTB RECYCLING FACILITY, INC., Proposed Registration Number MSW43000, to authorize construction and operation of a Type V municipal solid waste liquid waste processing facility. The site will receive an average of approximately 30,000 gallons of municipal solid waste per day. The proposed site contains approximately 10 acres of land located approximately one (1/2) mile south of State Highway 124 (Fannett Road) along the feeder road of U.S. Highway 69 in Jefferson County, Texas.

Contact: Charles Stavley or Ann Scudday, TNRCC, P.O. Box 13087, Mail Code 176, Austin, Texas 78701, (512) 239-6688 or (512) 239-4756.

Filed: May 8, 1997, 8:26 a.m.

TRD-9706099



Thursday, June 12, 1997, 10:00 a.m.

Stephen F. Austin Building, Room 1100, 1700 North Congress Avenue

Austin

AGENDA:

The Texas Natural Resource Conservation Commission has referred the enforcement case on JIM WAFER OIL COMPANY, INC. to the State Office of Administrative Hearings (SOAH). SOAH has scheduled a public hearing on the assessment of administrative penalties and requiring certain actions of Jim Wafer Oil Company, Inc., SOAH Docket Numbers 582-97-0978; 582-97-0979; and 582-97-0980.

Contact: Pablo Carrasquillo, P.O. Box 13087, Austin, Texas 78711, (512) 475-3445.

Filed: May 8, 1997, 8:26 a.m.

TRD-9706100



Board of Nurse Examiners

Wednesday, May 21, 1997, 4:00 p.m.

333 Guadalupe, Suite 3-460

Austin

Executive Committee

AGENDA:

Call to Order — 4:00 p.m.

Roll Call

Old Business

1. Review Board's Mission Statement and Governance Policies

New Business

1. Review proposed Bylaw changes

2. Review Executive Director Evaluation Process

3. Review Board Evaluation Process

Adjourn

Contact: Erlene Fisher, Box 430, Austin, Texas 78767, (512) 305-6811.

Filed: May 7, 1997, 11:26 a.m.

TRD-9706075



Texas Racing Commission

Friday, May 16, 1997, 10:00 a.m.

1101 Camino La Costa, Room 235

Austin

AGENDA:

Call to Order; Roll Call; Consideration of and action on the following rules; §§303.93, 305.35, 305.42, 309.60, 309.402, 309.403, 313.104, 313.106, 313.111, 313.450, 321.233, 313.312, 321.111, 321.112, 321.117; Consideration of and action on the following petitions for rulemaking; Petition by Corpus Christi Greyhound Race Track for amendment to §303.94, Petition by Bob Pickard for amendment to §309.142; Consideration of and action on Proposal for Decision in SOAH Number 476-96-2019, TxRC Number 96-02-14, In Re: the Appeal by Blanca Garza from Stewards' Ruling Sam Houston 940; Consideration of and action on request by Sam Houston Race Park, Ltd, for approval of change in live race date allocation for 1997; Consideration of and action on request by Lone Star Park at Grand Prairie for approval for change in ownership; Report on Racetrack Inspections; Old and New Business; Adjourn.

Contact: Paula C. Flowerday, P.O. Box 12080, Austin, Texas 78711, (512) 833-6699.

Filed: May 8, 1997, 3:32 p.m.

TRD-9706129



Railroad Commission of Texas

Monday, May 19, 1997, 2:00 p.m.

1701 North Congress Avenue, 12th Floor Conference Room 12-170

Austin

AGENDA:

The Commission will consider and may act on Gas Utilities Docket Number 8664, Statement of Intent by Lone Star Gas Company to Increase the Intracompany City Gate Rate.

Contact: Lindel C. Fowler, Jr., P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7033.

Filed: May 9, 1997, 4:25 p.m.

TRD-9706224



Tuesday, May 20, 1997, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

According to the complete agenda, the Railroad Commission of Texas will consider various applications and other matters within the jurisdiction of the agency including oral arguments at the time specified on the agenda. The Railroad Commission of Texas may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received.

The Commission may meet in Executive Session on any items listed above as authorized by the Open Meetings Act.

Contact: Lindel C. Fowler, Jr. P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7033.

Filed: May 9, 1997, 4:26 p.m.

TRD-9706226



Wednesday, May 21, 1997, 2:00 p.m.

1701 North Congress Avenue, 12th Floor Conference Room 12-170
Austin

AGENDA:

The Commission will hold its monthly statewide hearing on oil and gas to determine the lawful market demand for oil and gas and to consider and/or take action on matters listed on the agenda posted with the Secretary of State's Office.

The Commission will consider and act on Oil and Gas Docket Number 04-0216062, Conoco Inc.'s request for a conditional certificate of compliance for various wells operated by TransTexas Gas Corporation, Webb and Zapata Counties, Texas.

Contact: Kathy Way, P.O. Box 12967, Austin, Texas 78711, (512) 463-6729.

Filed: May 9, 1997, 4:26 p.m.

TRD-9706225



Texas State Technical College System

Wednesday, May 14, 1997, 10:00 a.m.

Mal Enterprises, 1219 East Broadway
Sweetwater

Board of Regents Search Committee Teleconference

AGENDA:

The Board of Regents Search Committee will meet by teleconference to discuss the recommendations, if any, to the full Board of Regents regarding Search Committee Teleconference.

Contact: Sandra Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-3964.

Filed: May 9, 1997, 9:56 a.m.

TRD-9706170



Wednesday, May 14, 1997, 10:02 a.m.

Mal Enterprises, 1219 East Broadway
Sweetwater

Board of Regents Search Committee Teleconference, Closed Meeting

AGENDA:

Closed meeting for the specific purpose provided for §§551.074 and 551.075 of Chapter 551 of the Texas Government Code to include the following: Discuss Chancellor search process and review applications for the position.

Contact: Sandra Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-3964.

Filed: May 9, 1997, 10:56 a.m.

TRD-9706177



Texas Tech University and Texas Tech University Health Sciences Center

Friday, May 9, 1997, 8:30 a.m.

Administration Building, Akron and Broadway Avenues
Lubbock

Board of Regents

AGENDA:

8:30 a.m.: Call to Order, Invocation and Presentation of Murray and Horn Professors. At approximately 8:45 a.m. or immediately following presentation of new Professorships; Executive Session pursuant to Chapter 551, Texas Government Code; Consideration of the purchase, exchange, lease, or value of real property pursuant to §551.072, Texas Government Code: a) disposition of University property located at 3223 South Loop 289, and b) lease of University property to display Windmill exhibit. At approximately 9:10 a.m. or immediately following Executive Session: Convene into Open Session to recess into Meetings of the Standing Committees (Academic, Clinical, and Student Affairs; Finance and Administration; and Facilities) to develop reports to the board. At approximately 10:30 a.m. or immediately following conclusion of the committee meetings, Convene as Committee of the Whole and Meeting of the Board of Regents to consider and act on: Approval of Minutes of February 14, 1997, Reaffirmation of Managerial Groups for the protection of classified information and updating of Statement of Self-Exclusion of Board of Regents regarding security clearances; approval of amendment to §01.01.10.c. of the Bylaws of the Board of Regents; authorization by the Board of Regents to establish the Institute for the Mathematics of the Life Sciences; Approval of an Interagency Cooperation contract between Texas Tech University and Texas Tech University Health Sciences Center for utilities, services, and supplies during the 1998-1999 biennium; Approval of an Interagency Cooperation Contract between Texas Tech University and Texas Tech University Health Sciences Center for various categories of support during the 1998-1999 biennium; Authorization by the Board of Regents to establish the Institute for Environmental and Human Health; Annul review and approval of revisions to Board of Regents Policy 04.11, Investment of Institutional Funds of Texas Tech University and Texas Tech University Health Sciences Center; Annual review and approval of revisions to Board of Regents Policy 05.06, Investment Policy Statement for Endowment Funds; Selection of an external investment counsel; Appointment of an Investment Advisory Committee; Consideration of Action on Committee Reports of Academic, Clinical and Student Affairs, Finance and Administration, and Facilities; Discussion and

consideration of action on organizational structure for architectural review of facilities; Discussion and consideration of action on management of enrollment: admissions; recruitment; Annual spring report to the Board of Regents on compliance with the bylaws, rules, and regulations of the National Collegiate Athletic Association and the Big 12 conference; Quarterly update on progress on Campus Beautification Plan; Consideration of appropriate action, if any, on items discussed in Executive Session; Report of the Chancellor; Selection of meeting dates for the remainder of FY97 and FY98; Adjournment. Note: The times noted herein are estimates only; the meeting will be called to order at 8:30 a.m. and continue until adjournment.

Contact: James L. Crowson, Box 42013, Lubbock, Texas 79409-2013.

Filed: May 5, 1997, 12:18 p.m.

TRD-9705974

University of North Texas/University of North Texas Health Science Center

Friday, May 9, 1997, 8:00 a.m.

Diamond Eagle Suite University Union, University of North Texas
Denton

Board of Regents

EMERGENCY REVISED AGENDA:

UNTHSC: App. of Min.; (UNTHS/UNT: Exec. Sess.: Leg. Update; IRS Audits; UNTHSC: Affiliations; Update on Lawsuits; Gratch Appeal; UNT: City of Denton Utilities Discount; Child and Family Resource Clinic; Asbestos Issues; Update on Dean Searches; North Dallas Location; Ath. Update; Update on Lawsuits; Campus Ministry Center; Radisson Hotel; English Fac. Issue; Athletics—Basketball; Eval. of Chancellor); Gratch Appeal; Revisions to Fac. Bylaws-Review of Ten. Fac. Mbrs; Award of Hon. Deg.; Emeritus Rec.; Fac. Dev. Leave; Property Damage Deposit; Gift Rpt; Quarterly Invest. Rpt; Proj. Status Rpt; President's Accreditation Update

UNT: App. of Min.; Pers. Trans.; Promotion and/or Tenure Rec.; Tenure for New Fac. Appointees; routine Academic Rpts; Small Class Rpt, Spring 1997, Fac. Dev. Leaves; Revision in Faculty Senate Charter; Univ. of North Texas Gender Equity Plan; Univ. of North Texas Min. Opport. Plan; Res. Authorizing the Texas Public Finance Authority to Issue Revenue Bonds or Equip., Construction, and Related Costs Purchased, Leased or Intended to be Purchased or Leased by the Univ. of North Texas; Fees for FY'98; Deletion of Tchr. Educ. Adm. Appl. Fee; Parking Proposal; International Sponsored Student Fee; Gift Rpt; Quarterly Invest. Rpt; Wooten Hall HVAC Study; Recreational Sports Complex Lighting and Control Building; Purchase of Property; Maintenance Proj. for Residence Halls; Proj. Status Rpt; Chancellor's Update on Campus Master Planning.

REASON FOR EMERGENCY: Re-posting due to item being listed under UNT instead of UNTHSC.

Contact: Jana Dean, P.O. Box 13737, Denton, Texas 76203, (817) 369-8515.

Filed: May 8, 1997, 10:41 a.m.

TRD-9706118

Board of Vocational Nurse Examiners

Monday, Tuesday, June 9-10, 1997, 9:00 a.m.

Hobby Building, Tower 2, Room 225, 333 Guadalupe

Austin

Board

AGENDA:

Monday, June 9, 1997 — 9:00 a.m. — Call to Order; Introduction of Board Members; Introduction of New Staff; Approval of Minutes; Recognition of Albert Fairweather; Education Report (Program Matters, Program Actions, Meeting/Seminars Attended by Education Staff; Unfinished Business (budget Report. Evaluation Format, Legislation, TPAPN, Area III Report; SOAH Costs); Executive Director's Report; New Business (Delegate Assembly- Chicago, Rule Changes 0 239.19 and 239.20, Fee Changes, Starting Time of Board Meetings, Committee Meetings)

Tuesday, June 10, 1997, 9:00 a.m. — Administrative Hearings (ALJ recommendations, Agreed Orders); Recommendations from Committee Meetings, Any Unfinished Business and Adjournment

On Call — Executive Session to discuss Personnel Issues

1. Review Board's Mission Statement and Governance Policies

Contact: Marjorie A. Bronk, 333 Guadalupe, Austin, Texas 78767, (512) 305-8100.

Filed: May 8, 1997, 9:54 a.m.

TRD-9706104

Texas Workers' Compensation Commission

Friday, May 18, 1997, 9:30 a.m.

4000 South IH35, Room 910-911, Southfield Building

Austin

Medical Advisory Committee

AGENDA:

1. Call to Order

2. Review and Possible Approval of the March 21, 1997 Minutes

3. Presentation of the TWCC Training Reference for Designated Doctors

4. Update on Guideline Development

5. Presentaiton of the Lower Extremity Guidelines

6. Discussion on status of Spring Seminars

7. Discussion on Work Hardening/Work Conditioning programs

8. Confirmation of next meeting date

9. Adjourn

Contact: Todd K. Brown, 4000 South IH35, Austin, Texas 78704, (512) 440-5690.

Filed: May 12, 1997, 10:00 a.m.

TRD-9706268

Regional Meetings

Meetings filed May 7, 1997

Blanco County Appraisal District, 1997 Board of Directors, met at 200 North Avenue G, Johnson City, May 13, 1997, at Noon. Information may be obtained from Hollis Boatright, P.O. Box 338, Johnson City, Texas 78636, (210) 868-4013. TRD-9706084.

Canyon Regional Water Authority, Regular Board Meeting, met at Guadalupe Fire Training Facility, 850 Lakeside Pass Drive, New Braunfels, May 12, 1997 at 7:00 p.m. Information may be obtained from Gloria Kaufman, 850 Lakeside Pass, New Braunfels, Texas 78130-8233, (210) 609-0743. TRD-9706076.

Central Counties Center for MHMR Services, Board of Trustees, will meet at Farm Road 1915, Buckholts, May 17, 1997, 9:00 a.m. and 10:00 a.m. Information may be obtained from Eldon Tietje, 204 South 22nd Street, Temple, Texas 76501, (817) 778-4841, extension 301. TRD-9706082.

High Plains Underground Water Conservation District One, Board, met at 2930 Avenue Q, Board Room, Lubbock, May 13, 1997 at 10:00 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181. TRD-9706077.

North Texas Regional Library System, Board of Directors, will meet at 1111 Foch Street, Fort Worth, May 22, 1997 at 1:30 p.m. Information may be obtained from Cynthia Brown, 1111 Foch Street, Suite 100, Fort Worth, Texas 76107, (817) 335-6076. TRD-9706083.

South Plains Association of Governments, Board of Directors, met at 1323 58th Street, Lubbock, May 13, 1997 at 10:00 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Lubbock, Texas 79452-3730, (806) 762-8721. TRD-9706092.

Wise County Appraisal District, Board of Directors, met at 206 South State Street, Decatur, May 13, 1997 at 8:00 p.m. Information may be obtained from Freddie Triplett, 206 South State Street, Decatur, Texas 76234, (817) 627-3081. TRD-9706074

Meetings filed May 8, 1997

Archer County Appraisal District, Board of Directors, met at 101 South Center, Archer City, May 14, 1997 at 9:30 a.m. Information may be obtained from Edward H. Trigg, III, P.O. Box 1141, Archer City, Texas 76351. TRD-9706146.

Bi-County Water Supply Corporation, met at Arch Davis Road, FM 2254, Pittsburg, May 13, 1997 at 7:00 p.m. Information may be obtained from Freeman Phillips, P.O. Box 284, Pittsburg, Texas 75686, (903) 856-5840. TRD-9706122.

Brazos Educational Assistance, Inc. Executive Committee of the Board of Directors, met at 2600 Washington Avenue, Waco, May 12, 1997 at 11:30 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9706152.

Brazos Higher Education Authority, Inc., Executive Committee of the Board of Directors, met at 2600 Washington Avenue, Waco, May 12, 1997 at 11:00 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9706154.

Brazos Higher Education Service Corporation, Inc., Executive Committee of the Board of Directors, met at 2600 Washington Avenue, Waco, May 12, 1997 at 11:15 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9706153.

Brazos Valley Development Council, Workforce Development Board, met at 1905 South Texas Avenue, Bryan, May 15, 1997 at 2:30 p.m. Information may be obtained from Angie Alaniz, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 775-4244. TRD-9706114.

Burnet County Appraisal District, Board of Directors, met at 110 Avenue H, Suite 106, Marble Falls, May 15, 1997 at Noon. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9706095.

Cass County Appraisal District, Board of Directors, met at 502 North Main Street, Linden, May 13, 1997 at 7:00 p.m. Information may be obtained from Janelle Clements, 502 North Main Street, Linden, Texas 75563, (903) 756-7545. TRD-9706131.

Concho Valley Council of Governments, Economic Development District, met at 5014 Knickerbocker Road, San Angelo, May 14, 1997, at 2:00 p.m. Information may be obtained from Troy Williamson, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666. TRD-9706143.

Concho Valley Council of Governments, Executive Committee, met at 5014 Knickerbocker Road, San Angelo, May 14, 1997, at 7:00 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666. TRD-9706130.

Deep East Texas Council of Governments, Board of Directors and Grants Application Review Committee, will meet at 601 North Second Street, Pitser Garrison Civic Center, Lufkin, May 22, 1997 at Noon. Information may be obtained from Walter G. Diggles, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9706113.

Deep East Texas Local Workforce Development Board, met at City Hall, Room 102, 300 West Shepherd Street, Lufkin, May 13, 1997 at 8:30 a.m. and 2:30 p.m. Information may be obtained from Betty J. Brown, P.O. Box 1423, Lufkin, Texas 75902, (409) 634-4432. TRD-9706116.

Dewitt County Appraisal District, Appraisal Review Board, met at 103 Bailey Street, Cuero, May 14, 1997 at 9:00 a.m. Information may be obtained from Kay Rath, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9706145.

Education Service Center, Region XI, Board of Directors, will meet at 3001 North Freeway, Fort Worth, May 19, 1997 at 10:00 a.m. Information may be obtained from Dr. Ray L. Chancellor, 3001 North Freeway, Fort Worth, Texas 76106, (817) 625-5311. TRD-9706108.

Edwards Aquifer Authority, Board, met at 1615 North St. Marys' Street, San Antonio, May 13, 1997 at 6:00 p.m. Information may be obtained from Sally Tamez-Salas, 1615 North St. Marys' Street, San Antonio, Texas 78212, (210) 222-2204. TRD-9706115.

Edwards Aquifer Authority, Research and Technology Committee, met at 1615 North St. Marys' Street, San Antonio, May 14, 1997 at 1:00 p.m. Information may be obtained from Sally Tamez-Salas, 1615 North St. Marys' Street, San Antonio, Texas 78212, (210) 222-2204. TRD-9706112.

Ellis County Appraisal District, Board of Directors, met at 400 Ferris Avenue, Waxahachie, May 12, 1997 at 7:00 p.m. Information may be obtained from Kathy A. Rodriguez, P.O. Box 878, Waxahachie, Texas 75168-0878, (972) 937-3552. TRD-9706148.

Erath County Appraisal District, Board of Directors, met at 1390 Harbin Drive, Stephenville, May 13, 1997 at 8:00 a.m. Information may be obtained from Angi Couch, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434. TRD-9706097.

Hockley County Appraisal District, Board of Directors, met at 1103 Houston Street, Levelland, May 12, 1997 at 7:30 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9706140.

Hockley County Appraisal District, Appraisal Review Board, met at 1103 Houston Street, Levelland, May 13, 1997 at 7:00 a.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9706141.

Local Government Investment Cooperative, Board of Directors, met at 301 Congress Avenue, 20th Floor, Austin, May 15, 1997 at 2:00 p.m. Information may be obtained from Patrick Shinkle, 1201 Elm Street, Suite 3500, Dallas, Texas 75270, (214) 672-6784; fax: (214) 672-6775. TRD-9706123.

Lometa Rural Water Supply Corporation, Board of Directors, met at 505 West Main Street, Lometa, May 12, 1997 at 7:00 p.m. Information may be obtained from Levi G. Cash III, or Tina L. Hodge, P.O. Box 158, Lometa, Texas 76853, (512) 752-3505. TRD-9706139.

Nolan County Appraisal District, Appraisal Review Board, will meet at Nolan County Courthouse, Third Floor, 100 East Third, Sweetwater, May 19, 1997, 10:00 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421. TRD-9706107.

Rockwall County Central Appraisal District, Board of Directors, met at 106 North San Jacinto, Rockwall, May 13, 1997 at 7:30 p.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (972) 771-2034. TRD-9706117.

Nortex Regional Planning Commission, Executive Committee, met at the Galaxy Center Building, #2 North, Suite 200, 4309 Jacksboro Highway, Wichita Falls, May 15, 1997 at Noon. Information may be obtained from Dennis Wilde, P.O. Box 5144, Wichita Falls, Texas 76307-5144, (817) 322-5281, Fax: (817) 322-6743. TRD-9706103.

Tarrant Appraisal District, Board of Directors, will meet at 2301 Gravel Road, Fort Worth, May 16, 1997, at 9:00 a.m. Information may be obtained from Mary McCoy, 2315 Gravel Road, Fort Worth, Texas 76118, (817) 284-0024. TRD-9706120.

Meetings filed May 9, 1997.

Austin-Travis County MHMR Center, Human Resources Board Committee, met at 1700 South Lamar Boulevard, Building One, Suite 102A, Austin, May 14, 1997 at 4:30 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 440-4031. TRD-9706176.

Bell County Tax Appraisal District, Board of Directors, will meet at 411 East Central Avenue, Belton, May 20, 1997 at 7:00 p.m. Information may be obtained from Carl Moore, P.O. Box 390, Belton, Texas, 76513, (817) 939-5841. TRD-9706222.

Callahan County Appraisal District, Board of Directors, will meet at 130A West Fourth Street, Baird, May 19, 1997 at 7:30 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 806, Baird, Texas 79504, (915) 854-1165. fax: (915) 854-1413. TRD-9706171.

Coleman County Water Supply Corporation, Board of Directors, met at 214 Santa Anna Avenue, Coleman, May 14, 1997 at 1:30 p.m. Information may be obtained from Davey Thweatt, 214 Santa Anna Avenue, Coleman, Texas 76834, (915) 625-2133. TRD-9706163.

Creedmoor Maha Water Corporation, Board, met at 1699 Laws Road, Mustang Ridge, May 14, 1997 at 7:30 p.m. Information may be obtained from Charles Laws, 1699 Laws Road, Buda, Texas 78610, (512) 243-2113. TRD-9706179.

Dallas Area Rapid Transit, Committee of the Whole, met at 1401 Pacific Avenue, Conference Room "C", , First Floor, Dallas, May 13, 1997 at 1:00 p.m. Information may be obtained from Paula J. Bailey, DART, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3256. TRD-9706210.

Dallas Area Rapid Transit, Board of Directors, met at 1401 Pacific Avenue, Board Room, First Floor, Dallas, May 13, 1997 at 6:30 p.m. Information may be obtained from Paula J. Bailey, DART, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3256. TRD-9706214.

Dallas Area Rapid Transit, DART Light Rail Media Briefing and Tour, met at 1401 Pacific Avenue, Conference Room B, First Floor, Dallas, May 14, 1997 at 9:00 a.m. Information may be obtained from Paula J. Bailey, DART, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3256. TRD-9706213.

Education Service Center, Region One, Board, met at 6300 Padre Boulevard, South Padre Island, May 15, 1997 at 6:00 p.m. Information may be obtained from Sylvia R. Hatton, 1900 West Schunior, Edinburg, Texas 78539, (210) 383-5611. TRD-9706211.

El Oso Water Supply Corporation, Board of Directors, met at FM 99, Karnes City, May 13, 1997 at 7:30 p.m. Information may be obtained from Judith Zimmerman, P.O. Box 309, Karnes City, Texas 78118, (210) 780-3539. TRD-9706199.

Falls County Appraisal District, Appraisal Review Board, met at Falls County Courthouse, First Floor, Intersection of Highways 6 and 7, Marlin, May 15, 1997 at 9:00 a.m. Information may be obtained from Joyce Collier, P.O. Box 430, Marlin, Texas 76661, (817) 883-2543. TRD-9706187.

Gonzales County Appraisal District, Board of Directors, met at 928 St. Paul Street, Gonzales, May 15, 1997 at 6:00 p.m. Information may be obtained from Brenda Downey, 928 St. Paul, Gonzales, Texas 78629, (210) 672-2879 or fax: (210) 672-8345. TRD-9706183.

Gulf Bend Center, Mid-Coast Community Management, will meet at 1502 East Airline, Victoria, May 21, 1997 at Noon. Information may be obtained from Janet Waters, 1502 East Airline, Victoria, Texas 77901, (512) 575-0611. TRD-9706175.

Harris County Appraisal District, Appraisal Review Board, will meet at 2800 North Loop West, 8th Floor, Houston, May 16, 1997 at 8:00 a.m. Information may be obtained from Bob Gee, 2800 North Loop West, Houston, Texas 77092, (713) 957-5222. TRD-9706185.

Hickory Underground Water Conservation District One Board and Advisors, met at 2005 South Bridge, Brady, May 15, 1997 at 7:00

p.m. Information may be obtained from Stan Reinhard, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785. TRD-9706178

High Plains Underground Water Conservation District One, Board, met with revised agenda, at 2930 Avenue Q, Board Room, Lubbock, May 13, 1997 at 10:00 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181. TRD-9706164.

Kempner Water Supply Corporation, Board of Directors, met at Kempner Water Supply Corporation Offices, Highway 190, Kempner, May 15, 1997 at 6:30 p.m. Information may be obtained from Donald W. Guthrie, P.O. Box 103, Kempner, Texas 76539, (512) 932-3701. TRD-9706204.

Liberty County Central Appraisal District, Appraisal Review Board, will meet at 315 Main Street, Liberty, May 21, 1997 at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9706160.

Lower Colorado River Authority, Planning and Public Policy Committee, met at 3701 Lake Austin Boulevard, Hancock Building, Board Conference Room, Austin, May 13, 1997 at 10:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3304. TRD-9706218.

Lower Neches Valley Authority, Industrial Development Committee, met at 7850 Eastex Freeway, Beaumont, May 13, 1997 at 11:00 a.m. Information may be obtained from A.T. Hebert, Jr., P.O. Drawer 4364, Beaumont, Texas 77704, (409) 892-4011. TRD-9706219.

Northeast Texas Rural Rail Transportation District, Board, met at Sulphur Springs State Bank, 100 Jefferson Street, Sulphur Springs, May 14, 1997 at 3:00 p.m. Information may be obtained from Sue Ann Harting, 2821 Washington Street, Greenville, Texas 75401, (903) 454-0140. TRD-9706168.

Panhandle Ground Water Conservation District Three, Board of Directors Public Meeting, met at District Office, 201 West Third Street, White Deer, May 14, 1997 at 7:30 p.m. Information may be obtained from C.E. Williams, Box 637, White Deer, Texas 79097, (806) 883-2501. TRD-9706169.

Sharon Water Supply Corporation, Special Called Meeting, met at the Office of Sharon Water Supply Corporation, Route 5, Winnsboro, May 12, 1997 at 7:00 p.m. Information may be obtained from Gerald Brewer, Route 5, Winnsboro, Texas 75494, (903) 342-3525. TRD-9706161.

Upper Rio Grande Private Industry Council, Board, met at 5919 Brook Hollow, El Paso, May 14, 1997 at 7:30 a.m. Information may be obtained from Norman R. Haley, 5919 Brook Hollow, El Paso, Texas 79925, (915) 772-5627. TRD-9706158.

Wood County Appraisal District, Board of Directors, met at 210 Clark Street, Quitman, May 15, 1997 at 9:00 a.m. Information may

be obtained from W. Carson Wages or Rhonda Powell, P.O. Box 518, Quitman, Texas 75783-0518, (903) 763-4891. TRD-9706167.

Meetings filed May 12, 1997

Dewitt County Appraisal District, Board of Directors, will meet at 103 Bailey Street, Cuero, May 20, 1997 at 7:30 p.m. Information may be obtained from Kay Rath, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9706229.

Education Service Center Region Eight, Board of Directors, will meet at 106 East Burton Road, Alps Restaurant, Mt. Pleasant, May 22, 1997 at 6:30 p.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt. Pleasant, Texas 75456, (903) 572-8551. TRD-9706249.

Education Service Center, Region XIII, Board of Directors, will meet at 5701 Springdale Road, Executive Board Room, Austin, May 19, 1997 at Noon. Information may be obtained from Dr. Roy C. Benavides, 5701 Springdale Road, Austin, Texas 78723, (512) 919-5300. TRD-9706232.

Lake Livingston Water Supply and Sewer Service Corporation, Board of Directors, met at 622 South Washington Street, Livingston, May 15, 1997, at 10:00 a.m. Information may be obtained from John O. Houchins, 13738 Kingsride, Houston, Texas 77079, (713) 464-3205. TRD-9706248.

Lake Livingston Water Supply and Sewer Service Corporation, Board of Directors, will meet at 622 South Washington Street, Livingston, May 17, 1997, at 1:00 p.m. Information may be obtained from John O. Houchins, 13738 Kingsride, Houston, Texas 77079, (713) 464-3205. TRD-9706269.

Lampasas County Appraisal District, Board of Directors, met at 109 East 5th Street, Lampasas, May 15, 1997 at 7:00 p.m. Information may be obtained from Katrina Perry, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9706245.

Pecos Student Finance Corporation, Executive Committee of the Board of Directors, met at 2600 Washington Avenue, Waco, May 12, 1997, at 11:35 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9706151.

San Antonio River Authority, Audit Committee, will meet at 100 East Guenther Street, Boardroom, May 21, 1997, at 1:30 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (210) 227-1373. TRD-9706241.

San Antonio River Authority, Board of Directors, will meet at 100 East Guenther Street, Boardroom, May 21, 1997, at 2:00 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (210) 227-1373. TRD-9706240.

IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Agricultural Experiment Station

Correction of Errors

The Texas Agricultural Experiment Station proposed amendments and new 4 TAC §§61.1, 61.22, 61.65, 61.66. The rules appeared in the April 25, 1997, issue of the *Texas Register*, (22 TexReg 3689, 3690, and 3691).

On pages 3690, 3691 and 3692, the correct contact phone number should be (409) 845-1121.

On page 3691, §61.65(c)(1), the statement should read "The temperature in the reactor must rise to at least 80 degrees Centigrade" rather than "80 1/2 C."



Office of the Attorney General

Correction of Errors

The Office of the Attorney General submitted an Opinion. The opinion appeared in the April 29, 1997, issue of the *Texas Register*, (22 TexReg 3765).

On page 3765, the opinion was referenced as "DM-432", it should read "DM-437"



Office of the Attorney General

Notice of Request for Information

The Office of the Attorney General (OAG) hereby gives notice of a Request for Information (R.F.I.). The purpose of the R.F.I. is to obtain information regarding the various options available for establishing a software/systems development environment described in the following paragraph.

It is the intent of the OAG's Child Support Program to establish a global software/systems development environment, that will enable the OAG to maintain and enhance the automated Texas Child Support Enforcement System (TXCSES) in a manner consistent with

industry accepted standards for software/systems development, such as those specified by the IEEE or the DOD. This environment is also intended to provide the parameters within which all Child Support Program software/systems development projects and initiatives are to be executed. This environment will define the standards by which any OAG Child Support Program software applications/systems development are to be generated without regard to: the parties who are charged with developing, implementing, maintaining, and enhancing such application(s), be they in-house OAG and contractor staff, or external consultant and contractor staff, and the platform(s) used in deploying these application(s)

This R.F.I. is to obtain information only and does not constitute a formal request to purchase. Estimated pricing information is requested for planning and budgetary purposes only. Should a solicitation result from this R.F.I. it will be made through the Catalogue Purchase Method (Title 10 Texas Government Code, Subtitle D, Chapter 2157, subchapter B). A purchase or lease to a state agency under the Catalogue Purchase Method may only be made from a Qualified Information Systems Vendor. A vendor who wants to be eligible to participate in a solicitation that may result from the R.F.I. should apply to the Texas General Services Commission for designation as a Qualified Information Systems Vendor.

Copies of the R.F.I. may be requested from: Mr. David Liebich, Purchasing Manager, Office of the Attorney General, 300 west 15th Street, 3rd Floor, Austin, Texas 78701 or by facsimile (512) 397-1607. The request should include the name of the Requestor, the Address of the Requestor, the name of a contact person, and a telephone and fax number for that person. Requests for an R.F.I. may be sent to the Attorney General beginning on the date that this notice is published in the *Texas Register*.

The closing date for the receipt of responses will be 3:00 p.m. on May 20, 1997.

Issued in Austin, Texas, on May 7, 1997.

TRD-9706088
Suzanne Marshall
Special Assistant
Office of the Attorney General

Filed: May 7, 1997

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Coastal Coordination Council

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence under the Texas Coastal Management Program

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 Federal Register pp. 1439-1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC 501. Requests for federal consistency review were received for the following project(s) during the period of May 6, 1997, through May 9, 1997:

FEDERAL AGENCY ACTIONS:

Applicant: Amerada Hess Corporation; Location: Houston Ship Channel, near Milepost 392, Latitude 29 degrees 44 feet North, Longitude 95 degrees, 12 feet West, Harris County, Texas; Project Number: 97-0121-F1; Description of Proposed Action: The applicant requests an extension of time on its maintenance dredging permit; Type of Application: U.S.C.O.E. permit application #11590(08) under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. 403), and §404 of the Clean Water Act (33 U.S.C.A. §§125-1387).

Applicant: Neumin Production Company; Location: San Antonio Bay, State Tracts 85, 86, and 90, near Seadrift, Calhoun County, Texas; Project Number: 97-0122-F1; Description of Proposed Action: The applicant requests an extension of time through December 31, 2001, and to amend the permit to include State Tract 86 for placing fill for structure stabilization purposes, erect and maintain structures, and perform work for drilling wells and for producing oil and/or gas; Type of Application: U.S.C.O.E. permit application #14492(04) under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. 403), and §404 of the Clean Water Act (33 U.S.C.A. §§125-1387).

Applicant: King Ranch Oil and Gas, Inc.; Location: SE/4, Block 521, Matagorda Island Anchorage Area, offshore Texas, Gulf of Mexico; Project Number: 97-0123-F1; Description of Proposed Action: The applicant proposes to erect and maintain a drilling rig, and install a well and protective structure. The structures will be used for the exploration and production of oil or gas. Type of Application: U.S.C.O.E. permit application #20964 under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. 403).

Applicant: King Ranch Oil and Gas, Inc.; Location: SE/4, Block 522, Matagorda Island Anchorage Area, offshore Texas, Gulf of Mexico; Project Number: 97-0124-F1; Description of Proposed Action: The

applicant proposes to erect and maintain a drilling rig, and install a well and protective structure. The structures will be used for the exploration and production of oil or gas. Type of Application: U.S.C.O.E. permit application #20964 under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. 403).

Applicant: IP Petroleum; Location: Brazos, Block 577, Lease OCS-G 17111, OCS Federal Offshore Waters, Gulf of Mexico; Project Number: 97-0125-F1; Type of Application: Initial Plan of Exploration, Title 30 CFR 250.33 (f) and (h).

Applicant: Sunrise, Ltd.; Location: West side of shoreline of the Laguna Madre, Laguna Shores Road, Flour Bluff section of Corpus Christi, Nueces County, Texas; Project Number: 97- 0126-F1; Description of Proposed Action: The applicant proposes to build a private boat ramp with parking for an adjacent residential development of the inland side of Laguna Shores Road. The project will impact 0.69 acres of wetlands, of which 0.48 acres are vegetated. A mitigation project is proposed to create 1.23 acres of new wetlands and planting of 1.44 acres of seagrass. Type of Application: U.S.C.O.E. permit application #20932 under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. 403), and §404 of the Clean Water Act (33 U.S.C.A. §§125-1387).

Pursuant to §306(d)(14) of the Coastal Zone Management Act of 1972 (16 U.S.C.A. §§1451-1464), as amended, interested parties are invited to submit comments on whether a proposed action should be referred to the Coastal Coordination Council for review and whether the action is or is not consistent with the Texas Coastal Management Program goals and policies. All comments must be received within 30 days of publication of this notice and addressed to Ms. Janet Fatheree, Council Secretary, 1700 North Congress Avenue, Room 617, Austin, Texas 78701-1495.

Issued in Austin, Texas, on May 9, 1997.

TRD-9706212

Garry Mauro

Chairman

Coastal Coordination Council

Filed: May 9, 1997

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Office of the Consumer Credit Commissioner

Notice of Rate Ceiling

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Title 79, Texas Civil Statutes, Article 1.04, as amended (Texas Civil Statutes, Article 5069-1.04).

[graphic]

Issued in Austin, Texas, on May 5, 1997.

TRD-9706119

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: May 8, 1997



Texas Education Agency

Notice of Postponement of Open-Enrollment Charter Guidelines and Application: Application and Procedures for Applying for Approval of an Open-Enrollment Charter

Purpose. The Texas Education Agency (TEA) is postponing the application request for open-enrollment charter schools. The application notice for open-enrollment charters (Open-Enrollment Charter Guidelines and Application. Application and Procedures for Applying for Approval of an Open-Enrollment Charter) was filed with the *Texas Register* on Wednesday, May 7, 1997, and was published in the Tuesday, May 13, 1997, issue of the *Texas Register*.

Description. Pursuant to the actions taken by the State Board of Education at the Friday, May 9, 1997, board meeting, the TEA is postponing the application request notice pending further discussion of the section process.

Contact Information. Requests for information concerning the postponement of the charter-school application request must be addressed in writing to: Brooks Flemister, Division of School/Community Support, Texas Education Agency, (512) 463-9575 or by e-mail at bflemist@tmail.tea.state.tx.us.

Issued in Austin, Texas, on May 12, 1997.

TRD-9706252

Criss Cloudt

Associate Commissioner for Policy Planning and Research

Texas Education Agency

Filed: May 12, 1997



Texas Department of Insurance

Insurer Services

The following application has been filed with the Texas Department of Insurance and is under consideration:

Application for a name change in Texas for Guarantee American Life Company, a foreign life, accident and health company. The proposed new name is NGL American Life Insurance Company. The home office is in Madison, Wisconsin.

Any objections must be filed within 20 days after this notice was filed with the Texas Department of Insurance, addressed to the attention of Cindy Thurman, 333 Guadalupe Street, M/C 305-2C, Austin, Texas 78701.

Issued in Austin, Texas, on May 9, 1997.

TRD-9706174

Bernice Ross

Deputy Chief Clerk

Texas Department of Insurance

Filed: May 9, 1997



Third Party Administrator Applications

The following third party administrator (TPA) application has been filed with the Texas Department of Insurance and is under consideration.

Application for admission to Texas of Prudential Service Bureau, Inc., a foreign third party administrator. The home office is Louisville, Kentucky.

Any objections must be filed within 20 days after this notice was filed with the Secretary of State, addressed to the attention of Charles M. Waits, MC 107-5A, 333 Guadalupe, Austin, Texas 78714-9104.

Issued in Austin, Texas, on May 9, 1997.

TRD-9706173

Bernice Ross

Deputy Chief Clerk

Texas Department of Insurance

Filed: May 9, 1997



Texas Natural Resource Conservation Commission

Enforcement Orders

A default order was entered regarding BLISS MOORE GAYKEN, Docket Number 96-0709-PST-E (Facility Number 18412, Enforcement ID Number E11398) on April 22, 1997 assessing \$3,100 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Lisa Newcombe, Staff Attorney at (512) 239-2269 or Connie Wong, Enforcement Coordinator at (512) 239-2567, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding GABBERT OIL COMPANY, INCORPORATED, Docket Number 96-1841-PST-E (Facility Number 4003, Enforcement ID Number E10882) on April 22, 1997 assessing \$13,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Lisa Newcombe, Staff Attorney at (512) 239-2269 or Mick Wilson, Enforcement Coordinator at (512) 239-2228, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding WALNUT-FORBES, INC., AND MOHEDI MOMIN, Docket Number 96-1209-PST-E (Facility Number 36107, Enforcement ID Number E11679) on April 22, 1997 assessing \$2,400 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney at (512) 239-0477 or Craig Carson, Enforcement Coordinator at (512) 239-2175, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding WOODY LAND & CATTLE COMPANY, INC. AND O&A TEXPACK EXPRESS, INC., Docket Number 96-0306-PST-E (Facility Number 2434, Enforcement ID Number 11487) on April 22, 1997 assessing \$1,200 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Walter Ehresman, Staff Attorney at (512) 239-0573 or Craig Carson, Enforcement Coordinator at (512) 239-2175, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding METRO SUPPLIERS, INCORPORATED, Docket Number 96-1549-PST-E (Facility Number 47979) on April 22, 1997 assessing \$600. in administrative penalties with \$180. deferred.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney at (512) 239-0600 or Craig

Carson, Enforcement Coordinator at (512) 239-2175, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding BURTON OIL COMPANY, INCORPORATED, Docket Number 96-0645-PST-E (Facility Number 36713, Enforcement ID Number E11527) on April 22, 1997 assessing \$10,000 in administrative penalties with \$3,000 deferred.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney at (512) 239-0477 or Adele Noel, Enforcement Coordinator at (512) 239-1045, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding MR. RIAD SAIDI, Docket Number 96-1047-PST-E (Facility Number 41540, Enforcement ID Number E11585) on April 22, 1997 assessing \$10,000 in administrative penalties with \$3,000 deferred.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney at (512) 239-0477 or Adele Noel, Enforcement Coordinator at (512) 239-1045, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding LUBBOCK COUNTY WATER CONTROL & IMPROVEMENT DISTRICT Number 1, Docket Number 96-0316-PST-E (Facility Number 66128, Enforcement ID Number E11437) on April 22, 1997 assessing \$9,200 in administrative penalties with \$2,760 deferred.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney at (512) 239-0477 or Craig Carson, Enforcement Coordinator at (512) 239-2126, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding ROANOKE HILLS WATER SUPPLY CORPORATION, Docket Number 96-1100-PWS-E (PWS Number 0610103) on April 25, 1997 assessing \$930. in administrative penalties with \$279. deferred.

Information concerning any aspect of this order may be obtained by contacting Lisa Dyar, Staff Attorney at (512) 239-5692 or Katharine Wheatley, Enforcement Coordinator at (512) 239-4757, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding WILLIAM ROBOTHAM DBA BLUEBERRY HILL WATER SYSTEM, Docket Number 96-0680-PWS-E (PWS Number 1700007, CCN Number 12230) on April 22, 1997 assessing \$930. in administrative penalties with \$279. deferred.

Information concerning any aspect of this order may be obtained by contacting Booker Harrison, Staff Attorney at (512) 239-4113 or Katharine Wheatley, Enforcement Coordinator at (512) 239-4757, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding MARVIN AND IRENE SHEAD DBA ROADRUNNER - BMX, Docket Number 96-1706-PWS-E (PWS Number 0840223) on April 22, 1997 assessing \$1,130 in administrative penalties with \$339. deferred.

Information concerning any aspect of this order may be obtained by contacting Katharine Wheatley, Enforcement Coordinator at (512) 239-4757 or Sabelyn Pussman, Enforcement Coordinator at (512) 239-6061, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding PHIL CLEMENTE DBA NORTHEAST MOBILE HOME PARK, Docket Number 96-1220-PWS-E (PWS Number 0610090, CCN Number 12012) on April 22, 1997 assessing \$6,390 in administrative penalties with \$1,917 deferred.

Information concerning any aspect of this order may be obtained by contacting Terry Thompson, Enforcement Coordinator at (512) 239-6095, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding CITY OF JACKSONVILLE, Docket Number 95-1273-MWD-E (Permit Numbers 10693-001 and 10693-003) on April 30, 1997 assessing \$37,210 in administrative penalties with \$27,210 deferred.

Information concerning any aspect of this order may be obtained by contacting Kathy Keils, Staff Attorney at (512) 239-0678 or Pamela Campbell, Enforcement Coordinator at (512) 239-4493, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding BUFFALO CREEK UTILITY, INCORPORATED, Docket Number 96-1402-MWD-E (Permit Number 11974-001) on April 22, 1997 assessing \$17,600 in administrative penalties with \$5,280 deferred.

Information concerning any aspect of this order may be obtained by contacting Guy Henry, Staff Attorney at (512) 239-6259 or Sabelyn Pussman, Enforcement Coordinator at (512) 239-6061, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding MICHAEL STEWART SHEPHERD, Docket Number 96-0759-WWD-E (License Number 2494-W) on April 22, 1997 assessing \$2,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Guy Henry, Staff Attorney at (512) 239-6259 or Lee Parham, Enforcement Coordinator at (512) 239-0539, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding STEVEN GERALD BIFFLE, Docket Number 96-0758-WWD-E (License Number 2771-WPKL (Expired)) on April 22, 1997 assessing \$7,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Guy Henry, Staff Attorney at (512) 239-6259 or Lee Parham, Enforcement Coordinator at (512) 239-0539, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding ARNOLDO MIRELES DBA FALFURRIAS WATER PUMP SERVICES, Docket Number 96-0354-WWD-E (Unlicensed) on April 22, 1997 assessing \$1,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Kathy Keils, Staff Attorney at (512) 239-0678 or Lee Parham, Enforcement Coordinator at (512) 239-0539, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding LINK BENSON, Docket Number 96-1363-WWD-E (License Number 4461I) on April 22, 1997 assessing \$250. in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Lee Parham, Enforcement Coordinator at (512) 239-0539, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding JOE T. HOGAN, Docket Number 96-1367-WWD-E (License Number 2498-W) on April 22, 1997 assessing \$1,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Lee Parham, Enforcement Coordinator at (512) 239-0539, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding VICTOR MALDONADO, Docket Number 96-0855-LII-E (License Number LI0002169) on April 22, 1997 assessing \$500. in administrative penalties with \$150. deferred.

Information concerning any aspect of this order may be obtained by contacting Lee Parham, Enforcement Coordinator at (512) 239-0539, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding DITTMAR LUMBER CORPORATION, Docket Number 96-1954-IHW-E (SWR Number 33681) on April 22, 1997 assessing \$10,000 in administrative penalties with \$3,000 deferred.

Information concerning any aspect of this order may be obtained by contacting William Foster, Staff Attorney at (512) 239-3407 or Ravi Rao, Enforcement Coordinator at (512) 239-2559, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding CUADRILLA IMPROVEMENT CORPORATION WATER & WASTEWATER FACILITIES, Docket Number 96-1630-MLM-E (Permit Number 13530-001 (Expired), PWS Number 0710095) on April 22, 1997 assessing \$102,810 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Kathy Keils, Staff Attorney at (512) 239-0678 or Brian Lehmkuhle, Enforcement Coordinator at (512) 239-4482, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

Issued in Austin, Texas, on May 9, 1997.

TRD-9706189

Eugenia K. Brumm, Ph.D,

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: May 9, 1997

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Notices of Application for Waste Disposal Permits

Permits issued during the period of May 6, 1997–May 9, 1997.

The Executive Director will issue these permits unless one or more persons file written protests and/or a request for a hearing within 30 days after newspaper publication of this notice.

To request a hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the applicant and the permit number; (3) the statement "I/we request a public hearing;" (4) a brief description of how you would be adversely affected by the granting of the application in a way not common to the general public; (5) the location of your property relative to the applicant's operations; and (6) your proposed adjustments to the application/permit which would satisfy your concerns and cause you to withdraw your request for hearing. If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TNRCC Commissioners for their consideration at a scheduled Commission meeting. If a hearing is held, it will be a legal proceeding similar to civil trials in state district court. If no protests or requests for hearing are filed, the Executive Director will sign the permit 30 days after newspaper publication of this notice or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Information concerning any aspect of these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, Chief Clerks Office-MC105, P.O. Box 13087, Austin, Texas 78711. Individual members of the public who wish to inquire about the information contained in this notice, or to inquire about other agency permit applications or permitting processes, should call the TNRCC Office of Public Assistance, Toll Free, at 1-800-687-4040.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number and type of application—new permit, amendment, or renewal.

URI, INC., 12750 Merit Drive, Suite 1020 LB12, Dallas, Texas 75251, The mine is located in Duval County, on the north side of Highway 359, ten miles south-southeast of Bruni and 50 miles east of Laredo, amendment, UR003050-001, 30-day.

ADELPHI COMMUNITY COOPERATIVE, Route 2, Box 1621 A-9, Quinlan, Texas 75474, The wastewater treatment facilities are on an unnamed county road, approximately one mile east of State Highway 34, and approximately five miles south of the City of Quinlan in Hunt County, Texas, renewal, 12227-01.

BAMMEL UTILITY DISTRICT, c/o Young & Brooks, 1415 Louisiana, 5th Floor, Houston, Texas 77002-7349, The wastewater treatment facilities are on the south bank of Cypress Creek, approximately 6,400 feet downstream of the crossing of Cypress Creek by Stuebner-Airline Road in Harris County, Texas, renewal, 11105-01.

CHAMPION INTERNATIONAL CORPORATION, One Champion Plaza, Stamford, Connecticut 06921, The applicant operates the Lufkin Mill, an integrated pulp and paper mill, The Lufkin Mill is on the north side of State Highway 103, approximately 0.25 mile east of the intersection of State Highway 103 and Farm-to-Market Road

842, near the City of Lufkin, Angelina County, Texas, amendment, 00368.

CROCKETT COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1, P.O. Box 117, Ozona, Texas 76943-0117, The wastewater treatment facilities are approximately 3,000 feet west of State Highway 163 and approximately 2.5 miles south of Interstate Highway 10 in Crockett County, Texas, renewal, 10059-01.

CITY OF HOUSTON, Department of Public Works and Engineering, P.O. Box 262549, Houston, Texas 77207-2549, The wastewater treatment facilities are on the southeast side of U.S. Highway 59 South and 0.5 mile south of Bissonnet Road, between White Chapel Lane and Keegans Bayou in Harris County, Texas, renewal, 10495-119.

CITY OF SNYDER, P.O. Drawer 1341, Snyder, Texas 79549, The wastewater treatment facilities are southeast of the City of Snyder, at a point approximately 5/8 mile south of Farm-to-Market Road 1605 and one mile east of State Highway 350 in Scurry County, Texas, renewal, 10056-01.

Issued in Austin, Texas, on May 9, 1997.

TRD-9706190

Eugenia K. Brumm, Ph.D.,

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: May 9, 1997



Notices of Opportunity to Comment on Settlement Agreements of Administrative Enforcement Actions

The Texas Natural Resource Conservation Commission (TNRCC) Staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) pursuant to the Health and Safety Code, the Texas Clean Air Act (the Act), Chapter 382, §382.096. The Act, §382.096 requires that the TNRCC may not approve these AOs unless the public has been provided an opportunity to submit written comments. Section 382.096 requires that notice of the proposed orders and of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **June 14, 1997**. Section 382.096 also requires that the TNRCC promptly consider any written comments received and that the TNRCC may withhold approval of an AO if a comment indicates the proposed AO is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Additional notice is not required if changes to an AO are made in response to written comments.

A copy of each of the proposed AOs is available for public inspection at both the TNRCC's Central Office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-1864 and at the applicable Regional Office listed as follows. Written comments about these AOs should be sent to the enforcement coordinator designated for each AO at the TNRCC's Central Office at P.O. Box 13087 Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on June 14, 1997**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-1893. The TNRCC enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, §382.096 provides that comments on the AOs should be submitted to the TNRCC in **writing**.

(1)COMPANY: Dalvant Corporation; DOCKET NUMBER: 97-0037-AIR-E; ACCOUNT NUMBER: KB-0002-G; LOCATION: Terrell, Kaufman County, Texas; TYPE OF FACILITY: natural gas well and hydrogen sulfide stripping facility; RULE VIOLATED: 30 TAC §116.115 and TNRCC Permit Number R-674 and the Act, §382.085(b), by failing to monitor and record flare temperature; PENALTY: \$1,500; ENFORCEMENT COORDINATOR: Carl Schnitz, (512) 239-1892; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 467-6750.

(2)COMPANY: Five Star Automotive; DOCKET NUMBER: 97-0260-AIR-E; ACCOUNT NUMBER: DF-0472-E; LOCATION: Lewisville, Denton County, Texas; TYPE OF FACILITY: used car lot; RULE VIOLATED: 30 TAC §114.1(c)(1) and the Act, §382.085(b), by offering for sale a vehicle with missing required emission control systems and/or devices; PENALTY: \$400; ENFORCEMENT COORDINATOR: Mary Jennings, (512) 239-1864; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 469-6750.

(3)COMPANY: Hines Nut Company; DOCKET NUMBER: 97-0128-AIR-E; ACCOUNT NUMBER: DB-4294-U; LOCATION: Dallas, Dallas County, Texas; TYPE OF FACILITY: nut roasting plant; RULES VIOLATED: 30 TAC §101.4 and the Act, §382.085(a) and (b), by discharging air contaminants in the form of dust, in such concentration and of such duration as to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property; 30 TAC §101.6 and the Act, §382.085(b), by failing to notify the Executive Director and the appropriate local air pollution control agencies as soon as possible of any major upset condition which causes or may cause an excessive emission that contravenes the intent of the Act or the regulations of the Commission; and 30 TAC §101.7 and the Act, §382.085(b), by failing to notify the Executive Director and the appropriate local air pollution control agencies prior to any planned maintenance, start-up, or shutdown which will or may cause an excessive emission that contravenes the intent of the Act or the regulations of the Commission; PENALTY: \$4,000; ENFORCEMENT COORDINATOR: Carl Schnitz, (512) 239-1892; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 469-6750.

(4)COMPANY: Peck's Pickup Sales; DOCKET NUMBER: 97-0233-AIR-E; ACCOUNT NUMBER: PC-0220-N; LOCATION: Springtown, Parker County, Texas; TYPE OF FACILITY: used car lot; RULE VIOLATED: 30 TAC §114.1(c)(1) and the Act, §382.085(b), by offering for sale a vehicle with missing required emission control systems and/or devices; PENALTY: \$400; ENFORCEMENT COORDINATOR: Mary Jennings, (512) 239-1864; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 469-6750.

(5)COMPANY: Roadrunner Trailers of Texas, Incorporated; DOCKET NUMBER: 97-0032-AIR-E; ACCOUNT NUMBER: DF-0438-E; LOCATION: Lewisville, Denton County, Texas; TYPE OF FACILITY: metal boat trailer manufacturing plant; RULE VIOLATED: 30 TAC §§115.421(a)(9)(A)(ii), 115.426(a)(1)(A), 115.426(a)(1)(B), 116.115(a), and the Act, §382.085(b), by using a non-compliant topcoat and sealer and exceeding the limitations of 3.5 pounds per gallon, by failing to maintain Material Safety Data Sheets for each coating and solvent on site, and by failing to maintain records for the hours of operation and the coating usage as required by Standard Exemption Number 89, Condition 2 of the January 8,

1980 list; PENALTY: \$500; ENFORCEMENT COORDINATOR: Suzanne Walrath, (512) 239-2134; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 469-6750.

(6)COMPANY: Second Chance Autos; DOCKET NUMBER: 97-0276-AIR-E; ACCOUNT NUMBER: KB-0160-K; LOCATION: Terrell, Kaufman County, Texas; TYPE OF FACILITY: used car lot; RULE VIOLATED: 30 TAC §114.1(c)(1) and the Act, §382.085(b), by offering for sale a vehicle with missing required emission control systems and/or devices; PENALTY: \$0; ENFORCEMENT COORDINATOR: Mary Jennings, (512) 239-1864; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 469-6750.

Issued in Austin, Texas, on May 9, 1997.

TRD-9706200

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: May 9, 1997

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The Texas Natural Resource Conservation Commission (TNRCC) Staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) pursuant to the Health and Safety Code, the Texas Clean Air Act (the Act), Chapter 382, §382.096. The Act, §382.096 requires that the TNRCC may not approve these AOs unless the public has been provided an opportunity to submit written comments. Section 382.096 requires that notice of the proposed orders and of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **June 14, 1997**. Section 382.096 also requires that the TNRCC promptly consider any written comments received and that the TNRCC may withhold approval of an AO if a comment indicates the proposed AO is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Additional notice is not required if changes to an AO are made in response to written comments.

A copy of each of the proposed AOs is available for public inspection at both the TNRCC's Central Office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable Regional Office listed as follows. Written comments about these AOs should be sent to the staff attorney designated for each AO at the TNRCC's Central Office at P.O. Box 13087 Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on June 14, 1997**. Written comments may also be sent by facsimile machine to the staff attorney at (512) 239-3434. The TNRCC staff attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, §382.096 provides that comments on the AOs should be submitted to the TNRCC in **writing**.

(1) COMPANY: El Paso Auto Collision; DOCKET NUMBER: 96-1296-AIR-E; ACCOUNT NUMBER: EE-1429-P; LOCATION: El Paso, El Paso County, Texas; TYPE OF FACILITY: paint and body shop; RULES VIOLATED: 30 TAC §116.110 and the Act, §382.0518(a) and (b) by failing to obtain a permit while operating a facility that conducts spray painting; 30 TAC §115.426(a)(1)(A) and the Act, §382.085(b) by failing to have Material Safety Data Sheets (MSDS) available to document continuous compliance with applicable emission limits; 30 TAC §115.422(1)(B) and the Act, §382.085(b) by failing to operate a clean up system that keeps

all wash solvents in a covered, enclosed reservoir at all times, except when refilling solvents; 30 TAC §115.422(1)(C) and the Act, §382.85(b) by failing to keep all cleaning materials and solvents in closed containers; and 30 TAC §116.115 and the Act, §382.085(b) by failing to install spray paint booth filters required by the conditions of Standard Exemption 124; PENALTY: \$500; STAFF ATTORNEY: Cecily Small, Litigation Support Division, MC 175; REGIONAL OFFICE: 7500 Viscount Boulevard, Suite 147, El Paso, Texas 79925-5633.

(2) COMPANY: Gulshan, Incorporated; DOCKET NUMBER.: 96-0475-PST-E; ACCOUNT NUMBER: E11515 and E11238; LOCATION: League City, Galveston County, Texas; TYPE OF FACILITY: underground storage tanks; RULES VIOLATED: 30 TAC §115.241 and §115.249 and the Act, §382.085(b) by failing to install by November 15, 1994, an approved Stage II vapor recovery system which is certified to reduce the emissions of volatile organic compounds (VOCs) to the atmosphere by at least 95%; PENALTY: \$11,200; STAFF ATTORNEY: Walter Ehresman, Litigation Support Division, MC 175; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1423, (713) 767-3500.

(3) COMPANY: Mike's Detail and Body Shop; DOCKET NUMBER.: 96-1157-AIR-E; ACCOUNT NUMBER: GB-0535-V; LOCATION: Texas City, Galveston County, Texas; TYPE OF FACILITY: paint and body shop; RULES VIOLATED: 30 TAC §115.422(2) and the Act, §382.085(b), by failing to use coating application equipment with a transfer efficiency of at least 65%; 30 TAC §115.426(a)(1)(A), §116.115(a), Standard Exemption Number 124(p), and the Act, §382.085(b), by failing to maintain material data sheets which document the VOC content, solvent density, and other relevant information regarding each coating and solvent available for use in the affected surface coating processes sufficient to determine continuous compliance with applicable control limits; 30 TAC §115.426(a)(1)(D), §116.115(a), Standard Exemption Number 124(p), and the Act, §382.085(b) by failing to maintain the records required by TNRCC rules for at least two years and to make them available upon request by representatives of the TNRCC, United States Environmental Protection Agency, or local air pollution control agency; and 30 TAC §116.115(a) and the Act, §382.085(b) by failing to have a stack vent as required by Standard Exemption Number 124(k); PENALTY: \$500; STAFF ATTORNEY: Booker Harrison, Litigation Support Division, MC 175; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(4) COMPANY: Sanifill, Inc.; DOCKET NUMBER.: 96-1978-AIR-E; ACCOUNT NUMBER: HX-9051-H; LOCATION: Houston, Harris County, Texas; TYPE OF FACILITY: waste transfer station; RULE VIOLATED: 30 TAC §101.4 and the Act, §382.085(a) and (b) by emitting one or more air contaminants or combinations thereof, in such concentration and of such duration as were or tended to be injurious to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.; PENALTY: \$27,000; STAFF ATTORNEY: Patricia Capps Welton, MC 175; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(5) COMPANY: Texas Groceries, Inc.; DOCKET NUMBER: 96-1314-PST-E; ACCOUNT NUMBER: 37056; LOCATION: Tomball, Harris County, Texas; TYPE OF FACILITY: underground storage tanks located at a convenience store; RULES VIOLATED: 30 TAC §115.241, §115.249, and the Act, §382.085(b) by failing to install

an approved Stage II vapor recovery system which is certified to reduce the emissions of VOCs to the atmosphere by at least 95% and failing to comply with Stage II vapor recovery equipment installation requirements according to the scheduled implementation date.; PENALTY: \$10,000; STAFF ATTORNEY: Patricia Capps Welton, MC 175; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

Issued in Austin, Texas, on May 9, 1997.

TRD-9706207

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: May 9, 1997



Notice of Opportunity to Comment on Default Orders of Administrative Enforcement Actions

The Texas Natural Resource Conservation Commission (TNRCC) Staff is providing an opportunity for written public comment on the listed Default Order. The TNRCC Staff proposes Default Orders when the Staff has sent an Executive Director's Preliminary Report (EDPR) to an entity outlining the alleged violations; the proposed penalty; and the proposed technical requirements necessary to bring the entity back into compliance, and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPR. Similar to the procedure followed with respect to Agreed Orders entered into by the Executive Director of the TNRCC pursuant to the Texas Clean Air Act (the Act), this notice of the proposed orders and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **June 14, 1997**. The TNRCC will consider any written comments received and the TNRCC may withhold approval of a Default Order if a comment indicates the proposed Default Order is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Additional notice will not be made if changes to a Default Order are made in response to written comments.

A copy of the proposed Default Order is available for public inspection at both the TNRCC's Central Office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable Regional Office listed as follows. Written comments about the Default Order should be sent to the Staff Attorney designated for the Default Order at the TNRCC's Central Office at P.O. Box 13087 Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on June 14, 1997**. Written comments may also be sent by facsimile machine to the Staff Attorney at (512) 239-3434. The TNRCC Staff Attorneys are available to discuss the Default Order and/or the comment procedure at the listed phone numbers; however, comments on the Default Order should be submitted to the TNRCC in **writing**.

(1) COMPANY: B & B Paint and Body; DOCKET NUMBER: 96-0734-AIR-E; ACCOUNT NUMBER: DB-3917-K; LOCATION: Dallas, Dallas County, Texas; TYPE OF FACILITY: paint and body shop; RULES VIOLATED: 30 TAC §115.422(1)(A) and the Act, §382.085(b) by failing to install and operate a system which totally encloses spray guns, cups, nozzles, bowls, and other parts during washing, rinsing, and draining procedures; 30 TAC §115.422(2) and the Act, §382.085(b) by failing to use coating application equipment

with a transfer efficiency of at least 65%; 30 TAC §115.426(a)(1)(A) and the Act, §382.085(b) by failing to maintain a material data sheet which documents the volatile organic compound (VOC) content, composition, solids content, solvent density, and other relevant information regarding each coating and solvent available for use in the affected surface coating processes sufficient to determine continuous compliance with applicable control limits; and 30 TAC §115.426(a)(1)(B) and the Act, §382.085(b) by failing to maintain records of the quantity and type of each coating and solvent consumed during the specified averaging period; PENALTY: \$500; STAFF ATTORNEY: Booker Harrison, Litigation Support Division, MC 175; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 469-6750.

(2)COMPANY: Desert Motors, Inc.; DOCKET NUMBER: 96-1270-AIR-E; ACCOUNT NUMBER: EE-1400-Q; LOCATION: El Paso, El Paso County, Texas; TYPE OF FACILITY: used car dealership; RULE VIOLATED: 30 TAC §114.1(c)(1) and the Act, §382.085(b) by offering for sale a motor vehicle not equipped with proper air pollution control devices; PENALTY: \$500; STAFF ATTORNEY: Cecily Small, Litigation Support Division, MC 175; REGIONAL OFFICE: 7500 Viscount Boulevard, Suite 147, El Paso, Texas 79925-5633.

(3)COMPANY: Express Paint and Body; DOCKET NUMBER: 96-1473-AIR-E; ACCOUNT NUMBER: DB-3723-C; LOCATION: Dallas, Dallas County, Texas; TYPE OF FACILITY: paint and body shop; RULES VIOLATED: 30 TAC §115.422(1)(A) and the Act, §382.085(b) by failing to install and operate a system which totally encloses spray guns, cups, nozzles, bowls, and other parts during washing, rinsing, and draining procedures; 30 TAC §115.422(2) and the Act, §382.085(b) by failing to use coating application equipment with a transfer efficiency of at least 65%; 30 TAC §115.426(a)(1)(A) and the Act, §382.085(b) by failing to maintain a material data sheet which documents the VOC content, composition, solids content, solvent density, and other relevant information regarding each coating and solvent available for use in the affected surface coating processes sufficient to determine continuous compliance with applicable control limits; 30 TAC §115.426(a)(1)(B) and the Act, §382.085(b) by failing to maintain records of the quantity and type of each coating and solvent consumed during the specified averaging period and in sufficient detail to calculate the applicable weighted average of VOC for all coatings; 30 TAC §115.426(a)(1)(D) and the Act, §382.085(b) by failing to maintain the records required by TNRCC rules for at least two years and to make them available upon request by representatives of the TNRCC, United States Environmental Protection Agency, or local air pollution control agency; and 30 TAC §116.110(a) and the Act, §382.0518(a) by failing to obtain a permit or satisfy the conditions for Standard Exemption Number 124 prior to constructing any new facility or modifying any existing facility which may emit air contaminants into the air; PENALTY: \$500; STAFF ATTORNEY: Booker Harrison, Litigation Support Division, MC 175; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 469-6750.

Issued in Austin, Texas, on May 9, 1997.

TRD-9706208

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: May 9, 1997

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Provisionally-Issued Temporary Permits to Appropriate State Water

Permits issued during the period of May 9, 1997.

Application Number TA-7811 by Nobles Road Construction, Inc. for diversion of 9 acre-feet in a one year period for industrial (highway construction) use. Water may be diverted from the Salt Fork Brazos River, at the stream crossing of US 83, approximately 14 miles north of Aspermont in Stonewall County, Texas, Brazos River Basin.

Application Number TA-7812 by Nobles Road Construction, Inc. For diversion of 9 acre-feet in a one year period for industrial (highway construction) use. Water may be diverted from the South Wichita River, at the stream crossing of S 83 in Guthrie, King County, Texas, Red River Basin.

The Executive Director of the TNRCC has reviewed each application for the permits listed and determined that sufficient water is available at the proposed point of diversion to satisfy the requirements of the application as well as all existing water rights. Any person or persons who own water rights or who are lawful users of water on a stream affected by the temporary permits listed previously and who believe that the diversion of water under the temporary permit will impair their rights may file a complaint with the TNRCC. The complaint can be filed at any point after the application has been filed with the TNRCC and the time the permit expires. The Executive Director shall make an immediate investigation to determine whether there is a reasonable basis for such a complaint. If a preliminary investigation determines that diversion under the temporary permit will cause injury to the complainant the commission shall notify the holder that the permit shall be canceled without notice and hearing. No further diversions may be made pending a full hearing as provided in Section 295.174. Complaints should be addressed to Water Rights Permitting Section, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, Telephone (512) 239-4433. Information concerning these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, Telephone (512) 239-3300.

Issued in Austin, Texas, on May 9, 1997.

TRD-9706191

Eugenia K. Brumm, Ph.D.,

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: May 9, 1997

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Texas Department of Public Safety

Correction of Errors

The Texas Department of Public Safety proposed new 37 TAC §§15.111–15.124. The rules appeared in the April 29, 1997, issue of the *Texas Register*, (22 TexReg 3772).

On page 3772, under Chapter 15. Drivers License Rules, the undesignated should read “Denial of Renewal of Driver’s License for Failure to Appear for Traffic Violation”

On page 3773, sixth paragraph, the phone number should read (512) 424–2890.

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Public Utility Commission of Texas

Notice of Applications for Service Provider Certificate of Operating Authority

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on May 8, 1997, for a service provider certificate of operating authority (SPCOA), pursuant to §3.2532 of the Public Utility Regulatory Act of 1995. A summary of the application follows.

Docket Title and Number: Application of U.S. West Interprise America, Inc. for a Service Provider Certificate of Operating Authority, Docket Number 17426 before the Public Utility Commission of Texas.

Applicant intends to provide resale and facilities based telecommunication services.

Applicant's requested SPCOA geographic areas follows the boundaries of existing service areas of Southwestern Bell Telephone Company, GTE Southwest, Inc., Central Telephone Company of Texas, and United Telephone Company of Texas, Inc.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at P.O. Box 13326, Austin, Texas 78711-3326, or call the commission's Office of Consumer Affairs at (512) 936-7120 no later than May 21, 1997. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on May 9, 1997.

TRD-9706180

Rhonda Dempsey

Rules Coordinator

Public Utility Commission of Texas

Filed: May 9, 1997

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Notice is given to the public of the filing with the Public Utility Commission of Texas an application on May 6, 1997, for a service provider certificate of operating authority (SPCOA), pursuant to §3.2532 of the Public Utility Regulatory Act of 1995. A summary of the application follows.

Docket Title and Number: Application of LDM Systems, Inc. for a Service Provider Certificate of Operating Authority, Docket Number 17421 before the Public Utility Commission of Texas.

Applicant intends to provide business and residential resold interexchange telecommunications services throughout the State of Texas.

Applicant's requested SPCOA geographic area includes the regions currently served by Southwestern Bell Telephone Company, GTE Southwest, Inc., Central Telephone Company of Texas, United Telephone Company of Texas, Inc., Sugarland Telephone Company, and Lufkin-Conroe Telephone Exchange, Inc.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at P.O. Box 13326, Austin, Texas 78711-3326, or call the Commission's Office of Consumer Affairs at (512)936-7120 no later than May 21, 1997. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on May 7, 1997.

TRD-9706085

Rhonda Dempsey

Rules Coordinator

Public Utility Commission of Texas

Filed: May 7, 1997

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Notices of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission SUBSTANTIVE RULE 23.27 for an addition to the existing PLEXAR-custom service for Lubbock ISD in Lubbock, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for an Addition to the Existing PLEXAR-Custom Service for Lubbock ISD in Lubbock, Texas, Pursuant to Public Utility Commission SUBSTANTIVE RULE 23.27. Tariff Control Number 17425.

The Application. Southwestern Bell Telephone Company is requesting approval for an addition to the existing PLEXAR-custom service for Lubbock ISD in Lubbock, Texas. The geographic service market for this specific service is the Lubbock local access and transport area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas, 78711-3326, or call the Public Utility Commission Consumer Affairs Section at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on May 8, 1997.

TRD-9706147

Rhonda Dempsey

Rules Coordinator

Public Utility Commission of Texas

Filed: May 8, 1997

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Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission SUBSTANTIVE RULE 23.27 for an addition to the existing PLEXAR-custom service for Hidalgo County in Edinburg, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for an Addition to the Existing PLEXAR-Custom Service for Hidalgo County in Edinburg, Texas, Pursuant to Public Utility Commission SUBSTANTIVE RULE 23.27. Tariff Control Number 17419.

The Application. Southwestern Bell Telephone Company is requesting approval for an addition to the existing PLEXAR-custom service for Hidalgo County in Edinburg, Texas. The geographic service market for this specific service is the Brownsville local access and transport area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas, 78711-3326, or call the Public Utility Commission Consumer Affairs Section at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on May 7, 1997.

TRD-9706086

Rhonda Dempsey

Rules Coordinator

Public Utility Commission of Texas

Filed: May 7, 1997



Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission SUBSTANTIVE RULE 23.27 for an addition to the existing PLEXAR-custom service for Structural Metals in Seguin, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for an Addition to the Existing PLEXAR-Custom Service for Structural Metals in Seguin, Texas, Pursuant to Public Utility Commission SUBSTANTIVE RULE 23.27. Tariff Control Number 17418.

The Application. Southwestern Bell Telephone Company is requesting approval for an addition to the existing PLEXAR-custom service for Structural Metals in Seguin, Texas. The geographic service market for this specific service is the San Antonio local access and transport area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas, 78711-3326, or call the Public Utility Commission Consumer Affairs Section at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on May 7, 1997.

TRD-9706087

Rhonda Dempsey

Rules Coordinator

Public Utility Commission of Texas

Filed: May 7, 1997



Public Notices of Interconnection Agreement

On May 1, 1997, United Telephone Company of Texas, Inc. doing business as Sprint and Central Telephone Company of Texas doing business as Sprint (Sprint), and American Telco, Inc. (Am. Telco) collectively referred to as Applicants, filed a joint application for approval of an interconnection agreement under the Federal Telecommunications Act of 1996 (FTA) (Public Law Number 104-104, 110 Statute 56 (1996), (to be codified at 47 United States Code §§151 et seq) and the Public Utility Regulatory Act of 1995 (PURA95) (Texas Revised Civil Statutes Annotated, Article 1446c-0, Vernon Supplement 1997). The joint application has been designated Docket Number 17407. The joint application and the underlying

traffic termination and billing interconnection agreement are available for public inspection at the commission's offices in Austin, Texas.

The FTA authorizes the commission to review and approve any interconnection agreement adopted by negotiation of the parties. Pursuant to FTA §252(e)(2) the commission may reject any agreement if it finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement, or any portion thereof, is not consistent with the public interest, convenience, and necessity. Additionally, under FTA §252(e)(3), the commission may establish or enforce other requirements of state law in its review of the agreement, including requiring compliance with intrastate telecommunications service quality standards or requirements. The commission must act to approve the agreement within 90 days after it is submitted by the parties.

The commission finds that additional public comment should be allowed before the commission issues a final decision approving or rejecting the interconnection agreement. Any interested person may file written comments on the joint application by filing 18 copies of the comments with the commission's filing clerk. Additionally, a copy of the comments should be served on each of the Applicants. The comments should specifically refer to Docket Number 17407. As a part of the comments, an interested person may request that a public hearing be conducted. The comments, including any request for public hearing, shall be filed by June 5, 1997, and shall include:

- 1) a detailed statement of the person's interests in the agreement, including a description of how approval of the agreement may adversely affect those interests;
- 2) specific allegations that the agreement, or some portion thereof:
 - a) discriminates against a telecommunications carrier that is not a party to the agreement; or
 - b) is not consistent with the public interest, convenience, and necessity; or
 - c) is not consistent with other requirements of state law; and
- 3) the specific facts upon which the allegations are based.

After reviewing any comments, an Administrative Law Judge (ALJ) of the commission will determine whether to conduct further proceedings concerning the joint application. The ALJ shall have the authority given to a presiding officer pursuant to Public Utility Commission Procedural Rule §22.202. The ALJ may identify issues raised by the joint application and comments and establish a schedule for addressing those issues, including the submission of evidence by the Applicants, if necessary, and briefing and oral argument. The ALJ may conduct a public hearing. Interested persons who file comments are not entitled to participate as intervenors in the public hearing.

Persons with questions about this docket or who wish to comment on the application should contact the Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326. You may call the Public Utility Commission Office of Consumer Affairs at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Docket Number 17407.

Issued in Austin, Texas, on May 9, 1997.

TRD-9706206

Rhonda Dempsey

Rules Coordinator
Public Utility Commission of Texas
Filed: May 9, 1997, 3:12 p.m.

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On May 1, 1997, United Telephone Company of Texas, Inc. doing business as Sprint and Central Telephone Company of Texas doing business as Sprint (Sprint), and Kingsgate Telephone, Inc. (Kingsgate) collectively referred to as Applicants, filed a joint application for approval of an interconnection agreement under the Federal Telecommunications Act of 1996 (FTA) (Public Law Number 104-104, 110 Statute 56 (1996), (to be codified at 47 United States Code §§151 et seq) and the Public Utility Regulatory Act of 1995 (PURA95) (Texas Revised Civil Statutes Annotated, Article 1446c-0, Vernon Supplement 1997). The joint application has been designated Docket Number 17408. The joint application and the underlying traffic termination and billing interconnection agreement are available for public inspection at the commission's offices in Austin, Texas.

The FTA authorizes the commission to review and approve any interconnection agreement adopted by negotiation of the parties. Pursuant to FTA §252(e)(2) the commission may reject any agreement if it finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement, or any portion thereof, is not consistent with the public interest, convenience, and necessity. Additionally, under FTA §252(e)(3), the commission may establish or enforce other requirements of state law in its review of the agreement, including requiring compliance with intrastate telecommunications service quality standards or requirements. The commission must act to approve the agreement within 90 days after it is submitted by the parties.

The commission finds that additional public comment should be allowed before the commission issues a final decision approving or rejecting the interconnection agreement. Any interested person may file written comments on the joint application by filing 18 copies of the comments with the commission's filing clerk. Additionally, a copy of the comments should be served on each of the Applicants. The comments should specifically refer to Docket Number 17408. As a part of the comments, an interested person may request that a public hearing be conducted. The comments, including any request for public hearing, shall be filed by June 5, 1997, and shall include:

- 1) a detailed statement of the person's interests in the agreement, including a description of how approval of the agreement may adversely affect those interests;
- 2) specific allegations that the agreement, or some portion thereof:
 - a) discriminates against a telecommunications carrier that is not a party to the agreement; or
 - b) is not consistent with the public interest, convenience, and necessity; or
 - c) is not consistent with other requirements of state law; and
- 3) the specific facts upon which the allegations are based.

After reviewing any comments, an Administrative Law Judge (ALJ) of the commission will determine whether to conduct further proceedings concerning the joint application. The ALJ shall have the authority given to a presiding officer pursuant to Public Utility Commission Procedural Rule §22.202. The ALJ may identify issues raised by the joint application and comments and establish a schedule for

addressing those issues, including the submission of evidence by the Applicants, if necessary, and briefing and oral argument. The ALJ may conduct a public hearing. Interested persons who file comments are not entitled to participate as intervenors in the public hearing.

Persons with questions about this docket or who wish to comment on the application should contact the Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326. You may call the Public Utility Commission Office of Consumer Affairs at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Docket Number 17408.

Issued in Austin, Texas, on May 9, 1997.

TRD-9706205
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: May 9, 1997

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On May 1, 1997, United Telephone Company of Texas, Inc. doing business as Sprint and Central Telephone Company of Texas doing business as Sprint (Sprint), and Max-Tel Communications (Max-Tel) collectively referred to as Applicants, filed a joint application for approval of an interconnection agreement under the Federal Telecommunications Act of 1996 (FTA) (Public Law Number 104-104, 110 Statute 56 (1996), (to be codified at 47 United States Code §§151 et seq) and the Public Utility Regulatory Act of 1995 (PURA95) (Texas Revised Civil Statutes Annotated, Article 1446c-0, Vernon Supplement 1997). The joint application has been designated Docket Number 17409. The joint application and the underlying traffic termination and billing interconnection agreement are available for public inspection at the commission's offices in Austin, Texas.

The FTA authorizes the commission to review and approve any interconnection agreement adopted by negotiation of the parties. Pursuant to FTA §252(e)(2) the commission may reject any agreement if it finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement, or any portion thereof, is not consistent with the public interest, convenience, and necessity. Additionally, under FTA §252(e)(3), the commission may establish or enforce other requirements of state law in its review of the agreement, including requiring compliance with intrastate telecommunications service quality standards or requirements. The commission must act to approve the agreement within 90 days after it is submitted by the parties.

The commission finds that additional public comment should be allowed before the commission issues a final decision approving or rejecting the interconnection agreement. Any interested person may file written comments on the joint application by filing 18 copies of the comments with the commission's filing clerk. Additionally, a copy of the comments should be served on each of the Applicants. The comments should specifically refer to Docket Number 17409. As a part of the comments, an interested person may request that a public hearing be conducted. The comments, including any request for public hearing, shall be filed by June 5, 1997, and shall include:

- 1) a detailed statement of the person's interests in the agreement, including a description of how approval of the agreement may adversely affect those interests;

- 2) specific allegations that the agreement, or some portion thereof:
 - a) discriminates against a telecommunications carrier that is not a party to the agreement; or
 - b) is not consistent with the public interest, convenience, and necessity; or
 - c) is not consistent with other requirements of state law; and
- 3) the specific facts upon which the allegations are based.

After reviewing any comments, an Administrative Law Judge (ALJ) of the commission will determine whether to conduct further proceedings concerning the joint application. The ALJ shall have the authority given to a presiding officer pursuant to Public Utility Commission Procedural Rule §22.202. The ALJ may identify issues raised by the joint application and comments and establish a schedule for addressing those issues, including the submission of evidence by the Applicants, if necessary, and briefing and oral argument. The ALJ may conduct a public hearing. Interested persons who file comments are not entitled to participate as intervenors in the public hearing.

Persons with questions about this docket or who wish to comment on the application should contact the Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326. You may call the Public Utility Commission Office of Consumer Affairs at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Docket Number 17409.

Issued in Austin, Texas, on May 9, 1997.

TRD-9706182
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: May 9, 1997

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On May 1, 1997, Southwestern Bell Telephone Company (SWB) and KMC Telecom, Inc. (KMC) collectively referred to as Applicants, filed a joint application for approval of an interconnection agreement under the Federal Telecommunications Act of 1996 (FTA) (Public Law Number 104-104, 110 Statute 56 (1996), (to be codified at 47 United States Code §§151 et seq) and the Public Utility Regulatory Act of 1995 (PURA95) (Texas Revised Civil Statutes Annotated, Article 1446c-0, Vernon Supplement 1997). The joint application has been designated Docket Number 17411. The joint application and the underlying interconnection agreement are available for public inspection at the commission's offices in Austin, Texas.

The FTA authorizes the commission to review and approve any interconnection agreement adopted by negotiation of the parties. Pursuant to FTA §252(e)(2) the commission may reject any agreement if it finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement, or any portion thereof, is not consistent with the public interest, convenience, and necessity. Additionally, under FTA §252(e)(3), the commission may establish or enforce other requirements of state law in its review of the agreement, including requiring compliance with intrastate telecommunications service quality standards or requirements. The commission must act to approve the agreement within 90 days after it is submitted by the parties.

The commission finds that additional public comment should be allowed before the commission issues a final decision approving or rejecting the interconnection agreement. Any interested person may file written comments on the joint application by filing 18 copies of the comments with the commission's filing clerk. Additionally, a copy of the comments should be served on each of the Applicants. The comments should specifically refer to Docket Number 17411. As a part of the comments, an interested person may request that a public hearing be conducted. The comments, including any request for public hearing, shall be filed by June 5, 1997, and shall include:

- 1) a detailed statement of the person's interests in the agreement, including a description of how approval of the agreement may adversely affect those interests;
- 2) specific allegations that the agreement, or some portion thereof:
 - a) discriminates against a telecommunications carrier that is not a party to the agreement; or
 - b) is not consistent with the public interest, convenience, and necessity; or
 - c) is not consistent with other requirements of state law; and
- 3) the specific facts upon which the allegations are based.

After reviewing any comments, an Administrative Law Judge (ALJ) of the commission will determine whether to conduct further proceedings concerning the joint application. The ALJ shall have the authority given to a presiding officer pursuant to Public Utility Commission Procedural Rule §22.202. The ALJ may identify issues raised by the joint application and comments and establish a schedule for addressing those issues, including the submission of evidence by the Applicants, if necessary, and briefing and oral argument. The ALJ may conduct a public hearing. Interested persons who file comments are not entitled to participate as intervenors in the public hearing.

Persons with questions about this docket or who wish to comment on the application should contact the Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326. You may call the Public Utility Commission Office of Consumer Affairs at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Docket Number 17411.

Issued in Austin, Texas, on May 9, 1997.

TRD-9706181
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: May 9, 1997

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Texas Department of Transportation

Public Notice

Introduction: The Texas Department of Transportation gives notice of its intent to amend a consulting service contract entered into on July 29, 1996, pursuant to the provisions of the Government Code, §§2254.021 et seq., otherwise known as the Consulting Services Act. The value of the amendment will exceed \$10,000. The original contract was entered into between the Texas Department of

Transportation and KPMG Peat Marwick LLP, 111 Congress Avenue, Suite 1100, Austin, Texas, 78748. The original contract amount was \$746,344. The original contract related to the reengineering of the fiscal services and equipment, materials, and supplies business areas for the Texas Department of Transportation. KPMG Peat Marwick was originally selected as the contractor under the previously cited contract by a process consisting of a request for proposals, review of those proposals by a selection committee and selection of the highest ranked proposal in accordance with §§2254.027 et seq., of the Government Code and was published in the March 22, 1996, issue of the *Texas Register* (21 TexReg 2436).

Invitation and Disclosure: As required by the Consulting Services Act, an invitation for private consultants to provide offers of consulting services is hereby given. However, as required by the Consulting Services Act, it is hereby disclosed that these consulting services relate to the services previously performed pursuant to the original contract and that the Texas Department of Transportation intends to secure these related services through an amendment to the original contract with KPMG Peat Marwick LLP unless a better offer is submitted.

Services Rendered under the Original Contract: The original contract provided for a joint effort between the Texas Department of Transportation (TxDOT) and a consulting firm to reengineer the fiscal services and equipment, materials, and supplies business areas of TxDOT. Deliverables included: assistance in performing analysis of the business processes and information needs of the fiscal services and the equipment, materials, and supplies business areas; a business process reengineering approach that would assist with reengineering the fiscal services and the equipment, materials, and supplies business areas; an assessment of TxDOT's current ability to meet the needs identified and developed as an implementation plan for carrying out implementation recommendations; and a sourcing study methodology to evaluate outsourcing and privatization opportunities in the fiscal services and equipment, materials, and supplies business areas.

Description of Services under Proposed Amendment: Additional tasks related to the business process reengineering of equipment, materials, and supplies business area will include providing assistance in the Phase 3 - Redesign to manage organizational change and to analyze and design needed change to the TxDOT warehousing and distribution function. Additional tasks related to the sourcing study approach will include providing assistance to analyze and evaluate outsourcing and privatization opportunities for the General Shops and Auto Parts Inventory and Distribution functions of TxDOT. The methodology used in Phases 3 - Redesign and the sourcing study approach must be integrated and compatible with the methodology used by KPMG Peat Marwick LLP, in Phases 3 - Redesign and the portions of the sourcing studies partially completed by TxDOT and KPMG Peat Marwick LLP. The proposed amendment describes the tasks in Phases I through III.

Agency Contact: Contact Mr. Stephen Olona, Texas Department of Transportation, Retooling Office, Anson Jones Building, 410 East 5th Street, 3rd Floor, Room 303, Austin, Texas 78701, telephone number (512) 505-5232, for copies of the proposed amendment, instructions for submitting offers and selection procedures.

Closing Date for Receipt of Offers: The Texas Department of Transportation will accept offers until 4:50 p.m. the 19th day following the date of this issue of the *Texas Register*. Offers must be in writing, comply with the written submission instructions and

be delivered to the Texas Department of Transportation, Retooling Office, Attn: Stephen Olona, Anson Jones Building, 410 East 5th Street, 3rd Floor, Room 303, Austin, Texas 78701. No other method of transmission is permissible.

Procedure for Amendment: The Texas Department of Transportation intends to amend the original contract with its current contractor unless a better offer is submitted. In determining whether an offer is better, the Texas Department of Transportation will consider (in accordance with the Consulting Services Act) the competence, knowledge and qualifications of the offeror to perform the services described by this notice and the reasonableness of the fee proposed for such services as such competence, knowledge, qualifications, and fee reasonableness are demonstrated by the offers submitted. These offers will be subjected to essentially the same process as was applied to the selection of the original contractor. Details of the selections procedure accompany the instructions for submitting offers. In the event all considerations are equal, preference will be given to a private consultant whose principal place of business is in the state or who will manage the consulting contract wholly from an office in the state, pursuant to the provisions of the Texas Government Code, §2254.027

If an offer other than that proposed by the original contractor is selected, then the offeror selected must execute a contract with the Texas Department of Transportation specifying substantially the same performances described by this notice and subject to substantially the same terms and conditions as specified in the proposed amendment.

Issued in Austin, Texas, on May 9, 1997.

TRD-9706230

Robert E. Shaddock

General Counsel

Texas Department of Transportation

Filed: May 12, 1997



Request for Proposals

Notice of Invitation: The Childress District of the Texas Department of Transportation (TxDOT) intends to engage an engineer, pursuant to Texas Government Code, Chapter 2254, Subchapter A, and 43 TAC §§9.30-9.40, to provide the following services. To qualify for contract award a selected engineer must perform a minimum of 30% of the actual contract work.

Contract Number 25-845P5001: For collection of Visual Pavement Surface Distress Data on approximately 1,500 miles in the Childress District.

Deadline: A letter of interest notifying TxDOT of the provider's intent to submit a proposal will be accepted by fax at 817-937-7229, or by hand/mail delivery to TxDOT, Childress District Office, Attention: Rodney Murray, 1700 Avenue F NW, Childress, Texas 79201. Letters of interest will be received until 5:00 p.m. on Friday, May 30, 1997. The letter of interest must include the engineer's firm name, address, telephone number, fax number, name of engineer's contact person and reference Contract Number 25-845P5001. Upon receipt of the letter of interest, a Request for Proposal packet will be issued. (Note: Written requests, either by mail/hand delivery or fax, will be required to receive the Request for Proposal packet. TxDOT will not issue Request for Proposal packet without receipt of letter of interest.)

Proposal Submittal Deadline: Proposals for Contract Number 25-845P5001 will be accepted until 5:00 p.m. on Friday, June 13, 1997, at the previously mentioned TxDOT, Childress District address.

Agency Contact: Requests for additional information regarding this notice of invitation should be addressed to Rodney Murray at 817-937-2571 or fax 817-937-7229.

Issued in Austin, Texas, on May 9, 1997.

TRD-9706231
Robert E. Shaddock
General Counsel
Texas Department of Transportation
Filed: May 12, 1997

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